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# FEDERAL REGISTER

VOLUME 29 NUMBER 78

Washington, Tuesday, April 21, 1964

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# Codification Guide

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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## Title 3—THE PRESIDENT

### Executive Order 11153

### INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1960 to 1964, inclusive, shall, during the Eighty-eighth Congress, be open to inspection by the Senate Committee on the Judiciary or any duly authorized subcommittee thereof, in connection with its study and investigation of the applicability of the antitrust and monopoly laws of the United States to professional boxing, pursuant to Senate Resolution 262, 88th Congress, agreed to February 10, 1964. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*April 17, 1964.*

[F.R. Doc. 64-3984; Filed, Apr. 20, 1964; 10:07 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Post Office Department

Section 213.3311(b)(9) is amended to show a title change from Assistant for Congressional Relations to the Executive Assistant to the Assistant Postmaster General to Special Assistant to the Assistant Postmaster General. Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (b) of § 213.3311 is amended as set out below.

§ 213.3311 **Post Office Department.**

* * * * *

(b) *Bureau of Facilities.* * * *

(9) One Special Assistant to the Assistant Postmaster General.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-3891; Filed, Apr. 20, 1964; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 106, Amdt. 1]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.406 (Lemon Regulation 106, 29 F.R. 5032) are hereby amended to read as follows:

(ii) District 2: 255,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 16, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-3875; Filed, Apr. 20, 1964; 8:48 a.m.]

### PART 911—LIMES GROWN IN FLORIDA

#### Terminations

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, it is hereby found that the continuation of limitations on shipments of limes in accordance with the provisions of the Lime Regulations specified in paragraph (b) hereof will not, after the effective time hereof, tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination of regulations until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this action is based became available and the time when this action must become effective pursuant to the declared policy of the act is insufficient, and this termination of regulations relieves restrictions on the handling of limes grown in Florida.

(b) The following Lime Regulations shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964:

Lime Regulation 6 (§ 911.308; 29 F.R. 470, 2645); Container Regulation (§ 911.302; 23 F.R. 1805, 3375; 26 F.R. 12751), and Pack Regulation (§ 911.305; 23 F.R. 1694; 24 F.R. 7605; 26 F.R. 12751).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-3977; Filed, Apr. 20, 1964; 8:53 a.m.]

### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

#### Terminations

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, it is hereby found that the continuation of limitations on shipments of avocados in accordance with the provisions of the Avocado Regulations specified in paragraph (b) hereof will not, after the effective time hereof, tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making proccdure, and postpone the effective date of this termination of regulations until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this action is based became available and the time when this action must become effective pursuant to the declared policy of the act is insufficient, and this termination of regulations relieves restrictions on the handling of avocados grown in south Florida.

(b) The following Avocado Regulations shall be and are hereby terminated effective at 12:01 a.m., e.s.t., April 22, 1964:

Avocado Regulation 2 (§ 915.302; 28 F.R. 5005, 7212); Avocado Regulation 3 (§ 915.303; 28 F.R. 5412, 5610), and Pack Regulation (§ 915.315; 23 F.R. 3372; 26 F.R. 12751).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-3978; Filed, Apr. 20, 1964; 8:53 a.m.]

## PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

### Expenses of Grape Crush Administrative Committee for 1963–64 Crop Year and Suspension of Certain Provisions

Notice was published in the March 21, 1964, issue of the FEDERAL REGISTER (29 F.R. 3625) regarding expenses of the Grape Crush Administrative Committee for the 1963–64 crop year pursuant to § 990.71, and suspension of certain provisions of the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposals; however, none was received within the time prescribed therefor.

A referendum (28 F.R. 6590) was conducted early during the current (1963–64) crop year to determine whether producers favored termination of the order at the end of the crop year, and such termination was favored. No free and surplus percentages were made effective under the order for the current crop year. On the basis of the foregoing, the Committee's activities during this crop year primarily have been concerned with disposition of setaside from prior crop years, and preparation for termination and liquidation in accordance with the order. The Committee unanimously recommended (1) a budget of expenses in the total amount of $84,000 for the 1963–64 crop year (July 1, 1963–June 30, 1964), (2) in lieu of a 1963–64 rate of assessment which would be fixed pursuant to § 990.72(a) to provide funds for such expenses, that the money collected as assessments for the 1962–63 crop year and not expended in connection with the Committee's operations during that year be used directly for such proposed expenses, sufficient excess assessments being available for such use, and (3) that certain provisions of the order pertaining to the filing and fixing of an assessment rate and refunding or crediting of excess assessments be suspended.

Under the foregoing circumstances, assessing handlers during the current crop year to provide funds for such year's expenses and refunding to them excess 1962–63 assessments would unduly complicate the financial operations of the Committee during the remainder of the crop year. For example, the levying and collection of assessments pursuant to the order would entail considerable manhours in computing each handler's assessment, billing him for this amount, and collecting and crediting such amounts to the respective handlers' accounts. Furthermore, such activities would require the use of personnel whose services could otherwise be employed, and would require the Committee to wait for payment of these assessments before handlers' accounts could be audited and settled. This could unduly prolong termination and liquidation actions.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is hereby found (1) that expenses in the amount of $84,000 are reasonable and likely to be incurred by the Committee during the 1963–64 crop year, and (2) that during the period hereinafter provided certain provisions of the order requiring the filing and fixing of a rate of assessment and the refund of excess assessments obstruct or do not tend to effectuate the declared policy of the act and should be suspended.

*Therefore, it is ordered* as follows:

1. With respect to the expenses of the Grape Crush Administrative Committee for 1963–64 crop year:

**§ 990.303 Expenses of the Grape Crush Administrative Committee for the 1963–64 crop year.**

Expenses (other than expenses incurred in receiving, handling, holding, or disposing of setaside) in the amount of $84,000 are reasonable and likely to be incurred by the Grape Crush Administrative Committee during the 1963–64 crop year (July 1, 1963–June 30, 1964) for the maintenance and functioning of the Committee and the Grape Crush Advisory Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

2. With respect to the suspension of certain provisions:

The following provisions are suspended: (a) "and rate of assessment" in the last sentence of § 990.71; (b) the second and third sentences of § 990.72 (a); (c) "for a period of four months subsequent to the end of such crop year" in the first sentence of § 990.72(b); and (d) the second and third sentences of § 990.72(b).

It is hereby further found that good cause exists for not postponing the effective time of these actions until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Pursuant to the applicable provisions of the act and the order, it is mandatory for the Secretary to suspend any provisions of the order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act; (2) the Committee has been incurring expenses since the beginning (i.e., July 1, 1963) of the current 1963–64 crop year for the maintenance and functioning of it and the Grape Crush Advisory Board during such crop year, and some of these expenses have been defrayed from excess 1962–63 assessments as authorized by the order; (3) the amount of reasonable expenses for such crop year should be fixed promptly so as to enable the Committee to conduct its operations accordingly; (4) there is no need to collect any additional sums for such operations since sufficient money from excess 1962–63 assessments is available to the Committee for such expenses; and (5) postponing the effective time of these actions beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose and would unduly delay accounting under the program.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 15, 1963, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-3877; Filed, Apr. 20, 1964; 8:48 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

## PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama.* Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Walker, Washington, and Winston Counties;

*Arizona.* The entire State;

*Arkansas.* The entire State;

*California.* The entire State;

*Colorado.* Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

*Connecticut.* The entire State;

*Delaware.* The entire State;

*Florida.* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Oklaloosa, Santa

Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;

*Hawaii.* Honolulu County;

*Idaho.* The entire State;

*Illinois.* The entire State;

*Indiana.* The entire State;

*Iowa.* Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

*Kansas.* The entire State;

*Kentucky.* The entire State;

*Louisiana.* Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

*Maine.* The entire State;

*Maryland.* The entire State;

*Massachusetts.* The entire State;

*Michigan.* The entire State;

*Minnesota.* The entire State;

*Mississippi.* Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, DeSoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri.* The entire State;

*Montana.* The entire State;

*Nebraska.* Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada.* The entire State;

*New Hampshire.* The entire State;

*New Jersey.* The entire State;

*New Mexico.* The entire State;

*New York.* The entire State;

*North Carolina.* The entire State;

*North Dakota.* Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio.* Allen, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Gurnsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

*Oklahoma.* Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

*Oregon.* The entire State;

*Pennsylvania.* The entire State;

*Rhode Island.* The entire State;

*South Carolina.* The entire State;

*South Dakota.* Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El aPso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hall, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

*Utah.* The entire State;

*Vermont.* The entire State;

*Virginia.* The entire State;

*Washington.* The entire State;

*West Virginia.* The entire State;

*Wisconsin.* The entire State;

*Wyoming.* Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

*Puerto Rico.* The entire area; and

*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Conecuh, Fayette, Walker, and Washington Counties in Alabama; Henry County in Illinois; Custer and Powder River Counties in Montana; Red Willow County in Nebraska; Brown and Fairfield Counties in Ohio; and Bexar, Hall, Lubbock, and Randall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of April 1964.

E. E. SAULMON,
*Acting Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 64-3896; Filed, Apr. 20, 1964; 8:51 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 2055; Amdt. 717]

### PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and lubrication of the elevator balance panels and panel track grips on Boeing Models 707 and 720 Series aircraft was published in 28 F.R. 12329.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Several comments were made by operators of the aircraft that they have not experienced any incidents of above normal control column forces directly attributable to ice formation in the subject areas, and that they therefore are opposed to the issuance of this AD. Fourteen occurrences of above normal control column forces have been reported on Models 707 and 720 Series aircraft by six operators. The problem has occurred in several areas of the world with ground level precipitation and low freezing altitude as common factors. Therefore, this AD is considered necessary.

Several comments opposed the requirement of the particular lubricant required by this AD. One recommended the use of a silicone based lubricant. Silicone based lubricants were considered but have been rejected because they attack the silicone rubber of the aerodynamic seals, and they dry out and could require more frequent applications. The lubricant specified in this AD has been previously tested in a similar application and has been found to be completely satisfactory. Other more tenacious and weather resistant lubricants were considered but were found to lose their plasticity and craze or flake off under the high drying rate conditions prevailing in the balance bays thereby leaving the areas unprotected. The lubricant specified in this AD was chosen primarily because of its ice inhibitor characteristics as well as its lubricator characteristics. The addition of the solvent to the greases to form the lubricant is to facilitate application and to help obtain a uniform

film over the subject areas. Another comment stated that the lubricant might collect dirt and dust and become harmfully abrasive. Such accumulations should only occur on the surfaces of the lubricant layer and should not harmfully penetrate into the rubbing surfaces before the areas are cleaned during normal overhaul.

A comment also recommended that the operators should be allowed, under the AD, to continue similar programs which have so far proven adequate. The AD has been revised to provide for the approval of equivalent procedures.

It was also requested that the compliance time be changed from 500 hours' time in service to 600 hours' time in service to better fit progressive maintenance programs. Since it is not considered that safety would be adversely affected by an increase of 100 hours in the compliance time, the change to 600 hours has been incorporated into the AD. Other comments suggested that the frequency of subsequent compliance times be changed to 2,500 hours' time in service or periodically at the decision of the operator. The compliance times in this AD are based on the useful life of the lubricant under these operating conditions. There is no data available which indicates that the lubricant has a useful life greater than the time specified. If later service experience indicates that the subsequent inspection frequency may be relaxed, the AD will be revised.

Another comment stated that frequent entry into the sensitive elevator/stabilizer areas under line conditions might prove to be hazardous. It is considered that safe entry into these areas is well within the capabilities of operator maintenance personnel and that the application of the lubricant in accordance with this AD will result in an increase in safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

There have been instances of above normal control column forces and sluggish airplane response. In all cases, the airplanes involved had been exposed to heavy rain prior to takeoff or had taken off in heavy rain, with comparatively low freezing altitudes prevailing. This can result in ice formation in the elevator balance panel hinge or around the balance panel track grip.

In order to preclude this unsafe condition, accomplish the following:

Within 600 hours' time in service after the effective date of this AD, and thereafter at intervals not exceeding 600 hours' time in service, accomplish the following or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region:

(a) Mix MIL-G-25760 or MIL-G-7118 grease or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region, with Methyl Ethyl Ketone or aliphatic naptha (Varsol), or equivalent approved by Engineering and Manufacturing Branch, FAA Western Region, to a consistency suitable for application with a squirt type oil can, and apply a good coverage of lubricant to the following areas:

(1) Upper surface of the piano hinge for each balance panel, and

(2) On either side of both balance panel track grips.

(b) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletins Nos. 1865 and 1865A cover this same subject.)

This amendment shall become effective May 19, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-3850; Filed, Apr. 20, 1964; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

## PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

### Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (e) *Titanium- and Zirconium-base alloys* is amended to revise sample number 173 to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 173a | Titanium metal, 6A1-4V | 100 | $12.00 |

2. Paragraph (y) *Uranium isotopic standards* is amended to add sample number U-500 to read as follows:

| Sample No. | Nominal composition, percent U-235 | Price per gram U |
|---|---|---|
| U-500 | 50 | $29.00 |

3. Paragraph (ee) *Metal organic standards* is amended to add sample number 1075, which is a replacement for sample number 1050, to read as follows:

| Sample No. | Description | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 1075 | Aluminum 2-ethylhexanoate. | 5 | $10.00 |

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-3857; Filed, Apr. 20, 1964; 8:46 a.m.]

## PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

### Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (m) *Spectrographic standards* is amended by the addition of 5 new samples to the (Ingot Iron and Low-Alloy Steel series) to read as follows:

| Sample No.[1] | Name | Price per sample |
|---|---|---|
| D803a | A.O.H., 0.6C | $10.00 |
| D805a | Medium manganese | 10.00 |
| D807a | Chromium-vanadium | 10.00 |
| D809b | Nickel | 10.00 |
| D820a | Ingot iron | 10.00 |

[1] Size: D800 series, 1¼ inches in diameter, ¼ inch thick (suitable only for X-ray analysis—prepared from the rods ½ inch in diameter by upset forging and annealing).

2. Paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample 375d to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 375e | Channel black | 7,000 | $14.00 |

3. Paragraph (r) *Radioactivity standards* is amended by the revision of sample 4950 to read as follows:

RADIUM STANDARDS (FOR RADON ANALYSIS)

| Sample No. | Radium content (grams) | Volume (milliliters) | Price per sample |
|---|---|---|---|
| 4950-A | $10^{-8}$ | 100 | $42.00 |

(Sec. 9, 31 Stat. 1450, as amended: 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-3856; Filed, Apr. 20, 1964; 8:46 a.m.]

## PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

### Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list:*

1. Paragraph (m) *Spectrographic standards* is amended by the addition of 25 new samples to the (Copper-base alloy series) to read as follows:

| Sample No.[1] | Name | Price per sample |
|---|---|---|
| 1103 | Free-cutting brass A, wrought | $25.00 |
| C1103 | Free-cutting brass A, chill-cast | 25.00 |
| 1104 | Free-cutting brass B, wroguht | 25.00 |
| C1104 | Free-cutting brass B, chill-cast | 25.00 |
| 1105 | Free-cutting brass C, wrought | 25.00 |
| C1105 | Free-cutting brass C, chill-cast | 25.00 |
| 1109 | Red-brass A, wrought | 25.00 |
| 1112 | Gilding metal A, wrought | 25.00 |
| C1112 | Gilding metal A, chill-cast | 25.00 |
| 1113 | Gilding metal B, wrought | 25.00 |
| C1113 | Gilding metal B, chill-cast | 25.00 |
| 1114 | Gilding metal C, wrought | 25.00 |
| C1114 | Gilding metal C, chill-cast | 25.00 |
| 1115 | Commercial bronze A, wrought | 25.00 |
| C1115 | Commercial bronze A, chill-cast | 25.00 |
| 1116 | Commercial bronze B, wrought | 25.00 |
| C1116 | Commercial bronze B, chill-cast | 25.00 |
| 1117 | Commercial bronze C, wrought | 25.00 |
| C1117 | Commercial bronze C, chill-cast | 25.00 |
| 1118 | Aluminum brass A, wrought | 25.00 |
| C1118 | Aluminum brass A, chill-cast | 25.00 |
| 1119 | Aluminum brass B, wrought | 25.00 |
| C1119 | Aluminum brass B, chill-cast | 25.00 |
| 1120 | Aluminum brass C, wrought | 25.00 |
| C1120 | Aluminum brass C, chill-cast | 25.00 |

[1] Sizes: The sample numbers not preceded by a letter "C" are wrought and are disks 1¼ inches in diameter, ¾-inch t hick; the sample numbers preceded by the letter "C" generally have the same composition but are in the form of chill-cast sections 1¼ inches square, ¾-inch thick.

2. Paragraph (r) *Radioactivity standards* is amended by the addition of new samples 4200, 4945, 4946 and to revise samples 4922–C and 4997–B to read as follows:

ALPHA, BETA, GAMMA, STANDARDS

| Sample No. | Radiation | Nuclide | Nominal activity | Volume | Price per sample |
|---|---|---|---|---|---|
| | | | | *Grams* | |
| 4922–D | $\gamma,\beta^+$ | Sodium-22 | $10^6$ $\beta^+$/s | 5 | $37.00 |
| 4945 | $\beta^-$ | Strontium-89 | $10^3$ dps/g | 3 | 30.00 |
| 4946 | $\beta^-,\gamma$ | Cerium-141 | $10^3$ dps/g | 3 | 49.00 |

POINT SOURCE STANDARDS

| Sample No. | Radiation | Nuclide | Nominal activity | Volume | Price per sample |
|---|---|---|---|---|---|
| 4200 | $\gamma,\beta^-$ | Cesium-barium $^{137}$ | $5\times10^4\gamma$/s | Point source | $46.00 |
| 4997–C | $\gamma$ | Manganese-54 | $5\times10^4\gamma$/s | Point source | 54.00 |

3. Paragraph (ee) *Metal organic standards* is amended to add samples 1078 and 1079 to read as follows:

| Sample No. | Description | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 1078 | Tris (1-phenyl-1,3-butanediene) chromium (III). | 5 | $10.00 |
| 1079 | Tris (1-phenyl-1,3-butanediene) iron (III). | 5 | 10.00 |

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-3858; Filed, Apr. 20, 1964; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56151]

## PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

### Entry of Articles Released Under Immediate Delivery Permit

Complaint has been made that the 2-day period, excluding the day of release, Saturday, Sunday, and holidays, prescribed in § 8.59(g) of the regulations for making timely entry for merchandise released under an immediate delivery permit is often inadequate to complete preparation and filing of the entry, along with the deposit of estimated duties and taxes, so that additional time is required in which to make the entry.

The regulations now require an importer who applies for an additional period of 2 days in which to make entry for merchandise released under an immediate delivery permit to give a satisfactory explanation in writing of his inability to make entry and deposit within 2 days after the day of release. A satisfactory explanation in one district might be unsatisfactory in another. The necessity of applying for additional time in which to make entry involves additional work for both importers and customers.

Under these circumstances and since it is desirable that the correct amount of duty be deposited on an entry at the time it is made for merchandise released under an immediate delivery permit so as to avoid as far as possible a refund or further collection of duty on the entry, the Bureau is of the opinion that at least 4 days, excluding the day of release, Saturday, Sunday, and holidays, may properly be granted in which timely entry may be made for merchandise released under an immediate delivery permit, except under certain conditions as specified in the regulations for articles of a kind which is subject to a tariff-rate quota.

Accordingly, section 8.59(g) of the Customs Regulations is amended by substituting the figure "4" for the figure "2" in the first sentence and by deleting the second sentence.

(Secs. 448, 484, 624, 46 Stat. 714, 722, as amended, 759; 19 U.S.C. 1448, 1484, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
*Commissioner of Customs.*

Approved: April 14, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-3881; Filed, Apr. 20, 1964; 8:48 a.m.]

[T.D. 56150]

## PART 14—APPRAISEMENT

### Antidumping; Steel Reinforcing Bars From Canada

APRIL 14, 1964.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on December 17, 1963, the United States Tariff Commission was advised that steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, are being, or are likely to be, sold in the United States at less than their fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on March 23, 1964, it notified the Secretary of the Treasury, that an industry in the United States is likely to be injured by reason of the importation of steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

| Merchandise | Country | T.D. |
|---|---|---|
| Steel reinforcing bars | Canada | 56150 |

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-3882; Filed, Apr. 20, 1964; 8:49 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6723]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Interest, and Constructive Receipt of Income

On November 15, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 61 and 451 of the Internal Revenue Code of 1954, relating to interest on insurance policy dividends and the constructive receipt of income, respectively, was published in the FEDERAL REGISTER (27 F.R. 11264). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (d) of § 1.61-7, as set forth in the notice of proposed rule making, is revised.

PAR. 2. Paragraphs (a)(3) and (b) of § 1.451-2, as set forth in the notice of proposed rule making, are revised.

[SEAL] MORTIMER M. CAPLIN,
*Commissioner of Internal Revenue.*

Approved: April 15, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

The Income Tax Regulations (26 CFR Part 1) under sections 61 and 451 of the Internal Revenue Code of 1954, relating to interest on insurance policy dividends and the constructive receipt of income, respectively, are amended as follows:

PARAGRAPH 1. Paragraph (d) of § 1.61-7 is amended to read as follows:

§ 1.61-7 Interest.

* * * * *

(d) *Bonds sold between interest dates; amounts received in excess of original issue discount; interest on life insurance.* When bonds are sold between interest dates, part of the sales price represents interest accrued to the date of the sale and must be reported as interest income. Amounts received in excess of the original issue discount upon the retirement or sale of a bond or other evidence of indebtedness may under some circumstances constitute capital gain instead of ordinary income. See section 1232 and the regulations thereunder. Interest payments on amounts payable as employees' death benefits (whether or not section 101(b) applies thereto) and on the proceeds of life insurance policies payable by reason of the insured's death constitute gross income under some circumstances. See section 101 and the regulations thereunder for details. Where accrued interest on unwithdrawn insurance policy dividends is credited annually and is subject to withdrawal annually by the taxpayer, such interest credits constitute gross income to such taxpayer as of the year of credit. However, if under the terms of the insurance policy the interest on unwithdrawn policy dividends is subject to withdrawal only on the anniversary date of the policy (or some other date specified therein), then such interest shall constitute gross income to the taxpayer for the taxable year in which such anniversary date (or other specified date) falls.

PAR. 2. Paragraphs (a) and (b) of § 1.451-2 are amended to read as follows:

§ 1.451-2 Constructive receipt of income.

(a) *General rule.* Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account, set apart for him, or otherwise made available so that he may draw upon it at any time, or so that he could have drawn upon it during the taxable year if notice of intention to withdraw had been given. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions. Thus, if a corporation credits its employees with bonus stock, but the stock is not available to such employees until some future date, the mere crediting on the books of the corporation does not constitute receipt. In the case of interest, dividends, or other earnings (whether or not credited) payable in respect of any deposit or account in a bank, building and loan association, savings and loan association, or similar institution, the following are not substantial limitations or restrictions on the taxpayer's control over the receipt of such earnings:

(1) A requirement that the deposit or account, and the earnings thereon, must be withdrawn in multiples of even amounts;

(2) The fact that the taxpayer would, by not withdrawing the earnings until a later date, receive a higher rate of earnings than would be payable if the earnings are withdrawn during the taxable year;

(3) A requirement that the earnings may be withdrawn only upon a withdrawal of all or part of the deposit or account. However, the mere fact that such institutions may pay earnings on withdrawals, total or partial, made during the last three business days of any calendar month ending a regular quarterly or semiannual earnings period at the applicable rate calculated to the end of such calendar month shall not constitute constructive receipt of income by any depositor or account holder in any such institution who has not made a withdrawal during such period;

(4) A requirement that a notice of intention to withdraw must be given in advance of the withdrawal. In any case when the rate of earnings payable in respect of such a deposit or account depends on the amount of notice of intention to withdraw that is given, earnings at the maximum rate are constructively received during the taxable year regardless of how long the deposit or account was held during the year or whether, in fact, any notice of intention to withdraw is given during the year. However, if in the taxable year of withdrawal the depositor or account holder receives a lower rate of earnings because he failed to give the required notice of intention to withdraw, he shall be allowed an ordinary loss in such taxable year in an amount equal to the difference between the amount of earnings previously included in gross income and the amount of earnings actually received. See section 165 and the regulations thereunder.

(b) *Examples of constructive receipt.* Interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received in December. Generally, the amount of dividends or interest credited on savings bank deposits or to shareholders of organizations such as building and loan associations or cooperative banks is income to the depositors or shareholders for the taxable year when credited. However, if any portion of such dividends or interest is not subject to withdrawal at the time credited, such portion is not constructively received and does not constitute income to the depositor or shareholder until the taxable year in which the portion first may be withdrawn. Accordingly, if, under a bonus or forfeiture plan, a portion of the dividends or interest is accumulated and may not be withdrawn until the maturity of the plan, the crediting of such portion to the account of the shareholder or depositor does not constitute constructive receipt. However, in this case such credited portion is income to the de-

positor or shareholder in the year in which the plan matures. Accrued interest on unwithdrawn insurance policy dividends is gross income to the taxpayer for the first taxable year during which such interest may be withdrawn by him.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-3893; Filed, Apr. 20, 1964; 8:50 a.m.]

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[T.D. 6724]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Distributions in Redemption of Stock To Pay Death Taxes

In order to clarify the meaning of the term "gross estate" in section 303(b)(2) of the Internal Revenue Code of 1954, relating to corporate distributions in redemption of stock to pay certain death taxes, paragraph (b) of § 1.303-2 is amended to read as follows:

§ 1.303-2 **Requirements.**

* * * * *

(b) For the purpose of section 303(b)(2)(A)(i), the term "gross estate" means the gross estate as computed in accordance with section 2031 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2103). For the purpose of section 303(b)(2)(A)(ii), the term "taxable estate" means the taxable estate as computed in accordance with section 2051 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2106). In case the value of an estate is determined for Federal estate tax purposes under section 2032 (relating to alternate valuation), then, for purposes of section 303(b)(2), the value of the gross estate, the taxable estate, and the stock shall each be determined on the applicable date prescribed in section 2032.

* * * * *

Because this Treasury decision merely clarifies the regulations relating to the meaning of the term "gross estate" in section 303(b)(2) of the Internal Revenue Code of 1954 and does not adversely affect any existing rights of taxpayers, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] D. W. BACON,
*Acting Commissioner of Internal Revenue.*

Approved: April 15, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-3894; Filed, Apr. 20, 1964; 8:51 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 9—Atomic Energy Commission

## PART 9-1—GENERAL

### Subpart 9-1.7—Small Business Concerns

### Small Business Policies; Screening of Procurements

Subparagraph (3) of § 9-1.702(b) is revised to read as follows:

§ 9-1.702 **Small business policies.**

(b) *Specific policies.* * * *

(3) The AEC-SBA Agreement set forth in AECPR 9-1.751 provides a basis for cooperation between the two agencies to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. It is expected that Field Offices, through contracting officers, will cooperate with the SBA in establishing set-aside programs or in setting aside selected items or classes of items of procurement. Where SBA representatives are not available to screen proposed procurements and to initiate joint small business set-asides, unilateral small business set-asides shall be made by the contracting officers as appropriate. Cost-type contractors shall be encouraged to make similar efforts.

The following section is added:

§ 9-1.705-3 **Screening of procurements.**

(b) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $500,000, including new construction, and repair, maintenance and alteration of structures. When, in the judgment of the contracting officer, a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1-1.706-2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Proposed contracts for construction, and repair, maintenance and alteration of structures having an estimated cost of more than $500,000 shall be screened individually pursuant to FPR 1-1.705-3(a) and AECPR 9-1.702(b)(3).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

*Effective date.* These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 10th day of April 1964.

For the Atomic Energy Commission.

JAMES SCAMMAHORN,
*Acting Director, Division of Contracts.*

[F.R. Doc. 64-3884; Filed, Apr. 20, 1964; 8:49 a.m.]

## Chapter 11—U.S. Coast Guard

[CGFR 63-89]

## PART 11-3—PROCUREMENT BY NEGOTIATION

## PART 11-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), § 11-3.204(b)(2)(v) is amended and Subpart 11-4.50 is hereby established under authority of 14 U.S.C. 633 and 10 U.S.C. Chapter 137.

### Subpart 11-3.2—Circumstances Permitting Negotiation

§ 11-3.204 **Personal and professional services.**

* * * * *

(b) * * *

(2) * * *

(v) Names and addresses of commercial concerns located in and around the area where the services are to be required, which are recommended as being capable of performing the desired services determined in accordance with the procedure set forth in Subpart 11-4.50 of this chapter.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

### Subpart 11-4.50—Architect-Engineering Services

Sec.



AUTHORITY: The provisions of this Subpart 11-4.50 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-4.5000 **Scope of subpart.**

This subpart sets forth policies and procedures for use in selecting, negotiating and formalizing contracts for Architect-Engineering Services.

§ 11-4.5001 **Selection of offerers for Architect-Engineering services for negotiation and award.**

§ 11-4.5001-1 **Policy.**

Architect-Engineering services contracts estimated to exceed $2500, will normally be negotiated under authority contained in § 11-3.204 after approval of determination and findings as set forth in § 11-3.204(b).

**§ 11–4.5001–2 Method of soliciting offerers.**

U.S. Government Architect-Engineering questionnaire (SF–251) prescribed in § 1–16.803 will be used to obtain information necessary for selection of firms best qualified for further negotiation of the type of Architect-Engineering services contract required.

**§ 11–4.5001–3 Selection and rating of firms for further negotiation.**

(a) Selection of Architect-Engineering firms will be made by a formally constituted selection board appointed by the district commander or commanding officer of Headquarters units consisting of the contracting officer and a minimum of three technically competent staff architects and/or engineers or military personnel having comprehensive experience in construction.

(b) Evaluation of the information contained on SF–251 which is received from firms solicited in accordance with § 11–4.5001–2 for the purpose of developing a preselection list will be made. Illustrative of the general factors to be considered in evaluating a firm are:

(i) Specialized experience of the firm in the type of work required.

(ii) Capacity of the firm to accomplish the work in the required time.

(iii) Past experiences of the firm with respect to performance on Coast Guard or other Government contracts, if applicable.

(iv) Location of the firm in the general geographical area of the project, provided that there are an appropriate number of qualified firms therein for consideration.

(v) Volume of work previously awarded to the firm by the Coast Guard or other Government agencies, with the objective of effecting an equitable distribution of Government Architect-Engineering services contracts among qualified Architect-Engineering firms.

(c) The selection board will perform a detailed review of the qualifications and performance data of each of the firms on the preselection list, conducting such interviews as may be necessary, for the purpose of rating firms in an order of preference for further negotiations. A minimum of three firms will be rated, and all pertinent information will be forwarded by letter for approval of the chief officer responsible for procurement.

**§ 11–4.5002 Negotiation with selected firms.**

Upon approval of selections, as required in § 11–4.5001–3(c), negotiations will be initiated with the number one firm. In the event that a mutually satisfactory contract cannot be consummated, negotiation will be terminated and the firm so notified. Negotiations will then be initiated with the number two firm, and the same procedure followed until a satisfactory contract is consummated.

**§ 11–4.5003 Contract price.**

The contract price shall be fixed at the lowest fee obtainable. Title 10 U.S.C. 2306(d) sets forth statutory limitations that may be paid Architect-Engineers for preparation of working drawings and specifications. In addition to the statutory limitations, the cost is subject to review at the time of contract approval to determine that negotiated price is not in excess of the amount authorized and/or paid for comparable services for comparable Architect-Engineering services contracts. A separate price shall be negotiated for supervision, inspection, soil exploration, and other unusual conditions when included as part of the Architect-Engineering services contract.

**§ 11–4.5004 Records of selection and negotiation.**

A record of actions taken with respect to selection and negotiation, sufficient to reconstitute a full history of the transaction, to permit ready construction of all of the stages of the transaction, shall be documented and become a part of the contract file for use of authorized personnel.

**§ 11–4.5005 Approval.**

All Architect-Engineering services contracts, modifications and/or changes thereto, negotiated under § 11–3.204 are subject to approval of the Comptroller, U.S. Coast Guard and shall not be binding until so approved.

**§ 11–4.5006 Documenting Architect-Engineering services contracts.**

Contract format, terms and conditions set forth in § 11–4.5007 supplemented as deemed necessary by the contracting officer will be used in effecting Architect-Engineering services contracts. The original and three copies of contracts executed by the contractor and the contracting officer will be forwarded for approval required by § 11–4.5005. The original and two copies will be returned for required distribution to the contracting officer.

**§ 11–4.5007 Contract format, terms and conditions.**

ARCHITECT-ENGINEERING PROFESSIONAL SERVICES CONTRACT

Contract No. _____

CONTRACT FOR PROFESSIONAL SERVICES

Contractor _____
Name of project _____
Location _____
_____
Appropriation _____
Subhead or Project No. _____
Total Fee $_____

| | *Item(s)* | *Date(s)* |
|---|---|---|
| Completion Date: | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |

On this _____ day of _____ 19__, the United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract, and _____
_____
(hereinafter called the contractor), do hereby agree as follows:

ARTICLE I. PROJECT

The project is identified as follows:

(Name)
(Location)
(Project Number)
(Description)

This project will consist of:

ARTICLE II. SCOPE OF SERVICES

The Contractor shall perform all professional services necessary for completion of the project, including the following:

(a) Make instrument survey as follows and furnish two (2) copies of report:

(b) Make sub-soil investigation described as follows and furnish two (2) copies of report:

(c) Perform services described as follows:

(d) Prepare and furnish the originals or sepia reproducibles of drawings, specifications and cost estimates in three stages as follows:

(1) Preliminary (This phase shall include at least one perspective sketch, preliminary cost estimate and outline specifications.)

(2) Intermediate.

(3) Final (Working drawings and specifications suitable for inviting construction bids are to be included in this stage and the final cost estimate.)

(e) The contractor will furnish _____ bound sets of final drawings reproduced by the _____ process and _____ sets of final specifications printed by the _____ process.

(f) The contractor will prepay shipping charges on all charts, sketches, drawings, specifications and documents which he sends to the Contracting Officer.

(g) The contractor will redesign as necessary at no additional cost to the Government until a satisfactory low bid for construction has been obtained that is within the amount of $_____ which is available and reserved for construction.

(h) Furnish Government with _____ sets of "As-Built" plans and specifications if contractor furnishes supervision of construction under (j) of this Article.

(i) After award of the construction contract, the contractor will at no additional cost to the Government:

(1) Prepare any additional explanatory or minor contract change drawings and/or specifications required.

(2) Check and recommend approval or disapproval of shop drawings.

(3) Recommend approval or disapproval of all materials and equipment proposed for use in construction.

(j) The contractor will supervise the construction of the project as follows:

(k) The contractor will provide consultation service during construction.

(l) The services required by paragraphs _____ through _____ of this Article shall be completed within _____ calendar days after contractor's receipt of approved contract. The contractor will furnish time schedules within ten days after receipt of approved contract and progress reports every fourteen days thereafter to assure that the work is well planned and is progressing at such rate that completion dates of each phase will be met.

ARTICLE III. FEE

The Government will pay the contractor a lump sum fixed fee totaling $_____ paid as follows for the work outlined in Article II.

$_____ upon completion of instrument survey and receipt of acceptable report by Government.

$_____ upon completion of sub-soil investigation and receipt of acceptable analysis by Government.

$_____ upon completion of services described in paragraph (c) of Article II and receipt of acceptable report by Government.

$_____ when all preliminary drawings, specifications and cost estimates are approved.

$_____ when all intermediate drawings, specifications and cost estimates are approved.

$_____ when all final drawings, specifications and cost estimates are approved.

$_____ when _____ bound sets of final drawings and _____ sets of specifications are furnished to Government.
$_____ when awardable low bid is obtained.
$_____ on completion of construction contract for "As-Built" plans and specifications, checking and approving shop drawings and materials.

Any additional _____ in excess of _____ provided in Article II _____ and ordered by the Government in writing will be paid for at the rate of $_____ for each additional _____.

The above payment shall comprise full compensation for all services and materials outlined above.

Prior to final payment, the contractor shall furnish the Government with a release of all claims against the Government under this contract, other than such claims as the contractor may except. He shall describe and state the amount of each excepted claim.

ARTICLE IV. REIMBURSEMENT FOR TRAVEL

The contractor agrees that all necessary travel by his representatives will be at the contractor's expense and no additional reimbursement therefor will be claimed unless directed in writing by the Government. If directed to travel by the Government, reimbursement will be subject to the law and regulations applicable to Government employees plus subsistence at rate of $_____ per person per day while in travel status.

ARTICLE V. REVISIONS

a. The Government will pay an additional fee for changes or revisions required by the contracting officer and approved in accordance with the article entitled "Approval" of this contract, after approval of any material submitted: Provided, that the Government will not pay additional fee for any correction or revision (even though required after approval of any material submitted) if the contracting officer finds that such requirement results from deficiencies for which the contractor was responsible.

b. Such additional fee shall be fixed by negotiation between the parties hereto and shall be covered by a written change order to the contract.

c. The contracting officer may change the basic requirements of the project. If, in the opinion of the contracting officer, this requires major revision or abandonment of drawings or other documents, the Government shall pay the contractor for such revisions or for new drawings or documents required to replace those abandoned, an amount to be agreed upon by the parties hereto.

ARTICLE VI. DATA AND SERVICES FURNISHED BY THE GOVERNMENT

The Government will:

a. Furnish surveys, soil data and information on existing facilities when available.

b. Furnish design data, standard details, specification forms, copies of Coast Guard Engineering Instructions, guides and other available information.

c. Review for final acceptance all material submitted by the contractor.

d. Confer with and obtain approval of occupying agencies.

e. Obtain bids and award all construction contracts.

f. Approve material samples.

g. Supervise, administer and inspect the construction contract if not provided for otherwise in Article II(j).

ARTICLE VII. ABANDONMENT, DEFERMENT OR TERMINATION

a. The contracting officer may abandon or indefinitely defer the work at any time he finds it expedient or necessary.

b. If, in the opinion of the contracting officer, the contractor violates any terms or conditions of this contract, or his conduct may jeopardize the Government's interests, the contracting officer may terminate this contract by written notice to the contractor.

c. If the work is abandoned or deferred or the contract terminated by the contracting officer, the Government shall pay the contractor that proportion of his fee that the amount of acceptable work he has actually done on his current submission of work bears to the whole of that submission. Payment by the Government of such compensation shall be in full and final settlement for all work performed by the contractor. After such payment, all charts, sketches, drawings, and other documents, whether finished or not, shall become the property of the Government.

ARTICLE VIII. BASIC DATA CLAUSE

Insert the clause prescribed in (ASPR) 32 CFR 9–203 under the conditions and in the manner set forth therein.

ARTICLE IX. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

Insert the clause set forth in § 1–8.709 under the conditions and in the manner set forth therein.

ARTICLE X. DISPUTES

Insert the clause set forth in § 1–7.101–12.

ARTICLE XI. OFFICIALS NOT TO BENEFIT

Insert the clause set forth in § 1–7.101–19.

ARTICLE XII. COVENANT AGAINST CONTINGENT FEES

Insert the clause set forth in § 1–1.503 under the conditions contained in § 1–1.501.

ARTICLE XIII. ASSIGNMENT OF CLAIMS

Insert the clause set forth in § 1–7.101–8 in the manner prescribed therein.

ARTICLE XIV. NONDISCRIMINATION IN EMPLOYMENT

Insert the clause set forth in § 1–7.101–18.

ARTICLE XV. CONVICT LABOR

Insert the clause set forth in § 1–12.203 under the conditions and in the manner prescribed in § 1–12.202.

ARTICLE XVI. MILITARY SECURITY REQUIREMENTS

Insert the clause set forth in (ASPR) 32 CFR 7–104.12 under the conditions and in the manner prescribed therein.

ARTICLE XVII. DEFINITIONS

Insert the clause set forth in § 1–7.101–1.

ARTICLE XVIII. APPROVAL

This contract and any modifications thereto shall be subject to written approval of the Comptroller of the United States Coast Guard and shall not be binding until so approved.

ARTICLE XIX. CHANGES

Insert the clause set forth in § 1–7.101–2.

ARTICLE XX. EXAMINATION OF RECORDS

Insert the clause set forth in § 1–7.101–10 under the conditions and in the manner prescribed therein.

ARTICLE XXI. TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

Insert the appropriate clause prescribed in § 1–8.700–2(a)(1) as applicable under the conditions and in the manner prescribed therein.

ARTICLE XXII. NOTICES AND INTERPRETATIONS

Insert the clause set forth in § 11–7.101–65.

ARTICLE XXIII. WORK HOURS ACT OF 1962—OVERTIME COMPENSATION

Insert the clause prescribed in Subpart 1–12.3.

ARTICLE XXIV. RELEASE OF INFORMATION

The contractor agrees not to divulge or release any information developed or obtained in connection with performance of this contract concerning the details of performance of this contract or any possible construction based on the results thereof (including but not limited to plans, specifications, location, time or estimated cost of construction), except to authorized Government personnel or upon the prior written approval of the Contracting Officer.

ARTICLE XXV. SUBCONTRACTING FOR WORK OR SERVICES

No contract shall be made by the contractor with any other party for furnishing any of the work or services herein contracted for without approval of the Contracting Officer, but this provision will not be taken as requiring the approval of contracts of employment between the contractor and personnel assigned for services thereunder, except as otherwise provided for in the terms of this contract.

ARTICLE XXVI. INSPECTION, DELIVERY, AND ACCEPTANCE

The work called for hereunder, as well as the contractor's books, records, and place of business, related to the performance of this contract, shall, at all reasonable times, be subject to inspection by the Contracting Officer. Delivery shall be made to _____ at _____, which is designated as the place for final inspection and acceptance by the Government.

ARTICLE XXVII. RESPONSIBILITY OF THE CONTRACTOR

Notwithstanding any review, acceptance or approval by the Government, the contractor shall be responsible for the professional and technical quality of all designs, drawings, specifications and other material produced under this contract, for the professional quality and adequacy of the services and material furnished; and for compliance with design criteria specified by the Government for use under this contract.

ARTICLE XXVIII. CERTIFICATION OF DRAWINGS AND OTHER DOCUMENTS

The contractor, or his authorized representative, shall sign the original tracings of all drawings and the first page of all specifications, estimates, or similar documents under the contractor's printed name and over the affixed replica of his professional seal or his registration certificate number, including the state or jurisdiction of issuance.

IN WITNESS THEREOF, the parties hereto have executed this contract as of the date entered on the first page hereof.

UNITED STATES OF AMERICA,
By _____
_____
(Official title)

CONTRACTOR
_____
(Name of contractor)
By _____
_____
(Title)

This contract is authorized by section 2304a (4), Title 10, U.S.C.

APPROVAL
_____
(Date)

It is hereby determined that this contract is authorized by law; that it is advantageous to and necessary in the best interests of the

Government; existing facilities of the Coast Guard are inadequate to accomplish the required services; and compensation specified herein is considered reasonable.

Dated: April 9, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 64-3883; Filed, Apr. 20, 1964; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### North Dakota, Arrowwood National Wildlife Refuge et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,270 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 400 acres or 45 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p. is permitted.

(3) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,800 acres or 13 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p. is permitted.

(3) See State regulations for additional details.

(e) Other provisions.

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1964.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 880 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours only from May 9, 1964, through December 31, 1964, in all fishing areas (Numbers I through IX) south of the Westhope-Landa Road; May 9, 1964, through September 15, 1964, in all fishing areas (Numbers X and XI) north of the Westhope-Landa Road. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) Boats. The use of boats is not permitted in Fishing Areas I, II, IV, V, VII, VIII, and IX. The use of boats, without motors, is permitted in Areas III and VI. The use of boats, with motors not to exceed 7½ h.p., is permitted in Areas X and XI.

(3) See State regulations for additional details.

(e) Other provisions.

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,115 acres or 63 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through December 31, 1964. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,000 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 9, 1964, through September 15, 1964; daylight hours only. Black bass season opens June 6, 1964.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 20-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in all waters which lie north of the Lake Darling Dam.

(3) The use of boats, with motors not to exceed 7½ h.p., is permitted in Fishing Areas I, II, and III. The use of racing craft, hydroplanes, sailboats, air thrust or inboard motors is prohibited.

(e) Other provisions:

(1) Bank fishing only on Fishing Areas IV, V, VI, VII, and the ponds at the Grano pits.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to September 16, 1964.

W. P. SCHAEFER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

APRIL 14, 1964.

[F.R. Doc. 64-3863; Filed, Apr. 20, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Parts 1, 39 ]

### INCOME TAX

### Treatment of Amounts Received on Certain Transfers of Patent Rights; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), and section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. (1952 ed.) 3791).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to clarify the treatment of income from certain transfers of patent rights, § 1.1235–2 of the Income Tax Regulations (26 CFR Part 1) and § 39.117 (q)–2 of Regulations 118 (26 CFR (1939) Part 39) are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.1235–2 is amended by adding new subparagraph (5) to read as follows:

**§ 1.1235–2 Definition of terms.**

* * * * *

(b) *All substantial rights to a patent.*
* * *

(5) A holder of a patent who, in respect of the patent, transfers (i) certain rights (whether or not exclusive) limited as to use, trade, or industry, or (ii) less than all the claims or inventions embodied in the patent, is not considered to have transferred all substantial rights in the patent for purposes of section 1235, unless the initial transfer of any right, claim, or invention in respect of the patent constitutes a release to the transferee of all rights, claims, or inventions of the owner in the entire patent property which are of value.

PAR. 2. Paragraph (b) of § 39.117 (q)–2 of the 1939 Code (26 CFR (1939) Part 39) is amended by adding new subparagraph (5) to read as follows:

**§ 39.117 (q)–2 Definition of terms.**

* * * * *

(b) *All substantial rights to a patent.*
* * *

(5) A holder of a patent who, in respect of the patent, transfers (i) certain rights (whether or not exclusive) limited as to use, trade, or industry, or (ii) less than all the claims or inventions embodied in the patent, is not considered to have transferred all substantial rights in the patent for purposes of section 117 (q), unless the initial transfer of any right, claim, or invention in respect of the patent constitutes a release to the transferee of all rights, claims, or inventions of the owner in the entire patent property which are of value.

[F.R. Doc. 64–3895; Filed, Apr. 20, 1964; 8:51 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–AL–22]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to the designation of navigable airspace outside the United States.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Moses Point, Alaska, terminal area:

1. The Moses Point control zone is designated within a 5-mile radius of the Moses Point Airport, and within 2 miles either side of the Moses Point radio range east course extending from the 5-mile radius zone to 12 miles east of the radio range.

2. The Moses Point transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the 088° and 268° True bearings from the Moses Point radio range, extending from 9 miles west to 20 miles east of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Moses Point area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Moses Point control zone by redesignating it as that airspace within a 5-mile radius of Moses Point Airport (latitude 64°42′ N., longitude 162°03′ W.); within 2 miles each side of the 088° True radial of a VOR to be established (latitude 64°42′ N., longitude 162°04′ W.) in the vicinity of Moses Point, extending from the 5-mile radius zone to 8 miles east of the VOR, and within 2 miles each side of the Moses Point radio range east course, extending from the 5-mile radius zone to 14 miles east of the radio range.

2. Alter the Moses Point transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Moses Point VOR 088° True radial, extending from 8 miles to 12 miles east of the VOR, and within 2 miles each side of the Moses Point radio range east course, extending from 14 miles to 17 miles east of the radio range; and that

airspace extending upward from 1,200 feet above the surface within 5 miles north and 10 miles south of the Moses Point VOR 088° and 268° True radials, extending from 11 miles west to 15 miles east of the VOR.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, enlarge the Moses Point control zone by lengthening the control zone east extension from 12 miles to 14 miles east of the radio range and by the addition of an extension based on the VOR 088° True radial to 8 miles east of the VOR. These extensions would provide protection for aircraft executing prescribed VOR and range approach procedures. The portion of the Moses Point transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Moses Point control zone. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures beyond the limits of the proposed 700-foot area. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach and departure procedures with the Moses Point terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace and Rules Branch, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-3851; Filed, Apr. 20, 1964; 8:45 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-40]

## CONTROL ZONE AND TRANSITION AREA

### Withdrawal of Proposal To Alter and Designate

In a notice of proposed rule making published in the FEDERAL REGISTER on October 12, 1963 (28 F.R. 10978), followed by a supplemental notice of proposed rule making published on January 30, 1964 (29 F.R. 1588), it was stated that the Federal Aviation Agency proposed to alter the Palacios, Tex., control zone and designate a transition area at Palacios. Subsequent to publication of the notices, it has been determined that further coordination will be required in conjunction with airspace structure revisions being developed for the terminal areas adjacent to the Palacios terminal area. Accordingly, the notices are being withdrawn and a new proposal will be submitted at a later date.

In consideration of the foregoing, notice is hereby given that the proposals contained in Airspace Docket No. 63-SW-40 are withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 10, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-3852; Filed, Apr. 20, 1964; 8:45 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 5000]

## AIRWORTHINESS DIRECTIVES

### Dornier Models DO-28 A1 and DO-27 Q6 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Dornier Models DO-28 A1 and DO-27 Q6 aircraft. Service experience has shown that when flaps are in the 35 degree and the 45 degree position flaps may be inadvertently retracted by a slight touch of the lever. To correct this condition, this AD requires modification of all levers without control grips by installing a protective cover.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DORNIER. Applies to Model DO-28 A1 aircraft Serial Numbers 3024 through 3060 and all Model DO-27 Q6 aircraft equipped with landing flap actuating levers without a control grip.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

In order to preclude an unintentional retraction of flaps, modify all levers without control grips by installing a cover in accordance with Dornier Technical Bulletin No. 27-18 dated October 16, 1963, for Model DO-27 Q6 aircraft and Bulletin No. 28-12 dated October 16, 1963, for Model DO-28 A1 aircraft.

(Dornier Technical Bulletins No. 27-18 dated October 16, 1963, and No. 28-12 dated October 16, 1963, cover this same subject.)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-3853; Filed, Apr. 20, 1964; 8:45 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 5001]

## AIRWORTHINESS DIRECTIVES

### Dornier Model DO-28 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Dornier Model DO-28 aircraft. It has been found that the generator and battery relays remain inoperative with low battery voltage so that the electrical system remains without power supply. To correct this condition,

this AD requires the changing of the electrical wiring.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DORNIER. Applies to all Model DO-28 aircraft up to and including Serial Number 3060.

Compliance required as indicated.

It has been found that the generator and battery relays remain inoperative with low battery voltage so that the electrical system remains without power supply. To correct this condition, accomplish the following:

Within the next 50 hours' time in service, change the electrical wiring as specified by Dornier Technical Bulletin 28-6 dated December 7, 1962.

(Dornier Technical Bulletin No. 28-6 dated December 7, 1962, covers the same subject.)

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-3854; Filed, Apr. 20, 1964; 8:45 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 5002]

## AIRWORTHINESS DIRECTIVES

### Douglas Model DC-8 Series Aircraft

Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490, 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 27 F.R. 7558, and Amendment 637, 28 F.R. 11728, requires inspection, replacement of the wing flap actuating cylinder hoses and modification of the flap system on Douglas Model DC-8 Series aircraft. Since the issuance of AD 62-20-1, it has been determined that mandatory incorporation of a flap lockout system is necessary for safety. Therefore, it is proposed to supersede Amendment 484, as revised by Amendments 490, 559, 593, and 637 with a new directive to include this requirement and the later issuance of the manufacturer's service bulletins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 19, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.

Compliance required as indicated.

To assure flap system reliability and to eliminate difficulties which could result in the inadvertent retraction of the flaps during critical portions of the flight regime, accomplish the following:

(a) Modify each aircraft within 6,000 hours' time in service after the effective date of this AD to incorporate a flap lockout system per Douglas DC-8 Service Bulletin No. 27-132, Revision No. 2, dated December 12, 1963, or an FAA Western Region, Engineering and Manufacturing Branch approved equivalent modification. When the flap system is modified as indicated, the hose inspection and replacement provisions of this AD may be discontinued.

(b) Until the modification required by paragraph (a) is incorporated, inspect the flap system hoses and remove the hoses from service as follows:

(1) Within 900 hours hose time in service since the last inspection or 90 days after the effective date of this AD, whichever occurs first, inspect all flap hoses bearing Douglas basic P/N 5716378-4 for any evidence of cracking, splitting, abrasion, or other damage to the covering. Reinspect at intervals of 900 hours hose time in service or 90 days, whichever occurs first, until the modification in (a) is accomplished. Remove from service any hose on which only the covering is found to be cracked or abraded and the hose itself is found to be undamaged prior to the next 300 hours hose time in service or 30 days, whichever occurs first. Remove from service any hose exhibiting damage other than cracked or abraded covering before further flight. Remove from service undamaged hoses bearing Douglas basic P/N 5716378-4 prior to 1,500 hours total hose time in service. The inspections and the removal from service requirements of this paragraph apply also to new hoses installed as replacements pursuant to this paragraph.

(2) Prior to 1,800 hours total hose time in service, remove from service all hoses bearing Douglas basic P/N S5773937-4 (same length code) Aeroquip basic P/N 611049-4 (same length code), or Resistoflex basic P/N R25800-4 (same length code).

(3) Remove from service all hoses bearing Douglas basic P/N S5776432-4 (same length code) or Aeroquip basic P/Ns 677219-4, 677220-4 (same length code) as follows:

(i) Remove from service hoses with less than 1,900 hours total hose time in service on the effective date of this AD prior to 2,000 hours total hose time in service.

(ii) Remove from service hoses with 1,900 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(4) Remove from service all hoses bearing Douglas basic P/N S5778051 (same length code) or Resistoflex basic P/Ns R23718-4, R23708-4 (same length code) as follows:

(i) Remove from service hoses with less than 2,300 hours total hose time in service on the effective date of this AD prior to 2,400 hours total hose time in service.

(ii) Remove from service hoses with 2,300 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(c) Do not install green or black flap actuating cylinder hoses dated prior to 1962.

(Douglas DC-8 Service Bulletins No. 27-113, Reissue No. 1 dated November 14, 1962, No. A27-146, Reissue No. 2 dated December 27, 1963, and No. 27-132, Revision No. 2 dated December 12, 1963, pertain to this same subject.)

Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490, 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 28 F.R. 7558, and Amendment 627, 28 F.R. 11728, is superseded by this new amendment.

Issued in Washington, D.C., on April 14, 1964.

W. LLOYD LANE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-3855; Filed, Apr. 20, 1964; 8:46 a.m.]

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# FEDERAL MARITIME COMMISSION

## [ 46 CFR Part 536 ]

[Foreign Tariff Circular 1; Docket 964]

## COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

### Notice of Modification of Proposed Tariff Filing Rules

On December 23, 1961, and on May 4, 1963, the Federal Maritime Commission gave notice by publication in the FEDERAL REGISTER (26 F.R. 12294; 28 F.R. 4518) that, in accordance with the provisions of section 4 of the Administrative Procedure Act and sections 18(b) and 43 of the Shipping Act, 1916 (75 Stat. 764; 75 Stat. 766), it was considering promulgation of regulations covering the filing of tariffs by common carriers by water in the foreign commerce of the United States and by conferences of such carriers. Having given due consideration to the comments of interested persons filed in response to said notice, the Federal Maritime Commission hereby gives notice that it is considering further modification of the proposed rules. Substance of proposed modification: Consideration is being given by the Federal Maritime Commission to modification of the proposed tariff filing rules, cited above, so as to include in such rules provisions for the filing of tariff infor-

mation in a form adaptable to the institution of a system of electronic data processing of freight rates within the Commission.

Proposed rules (§§ 536.4(c); 536.5(c)(1); 536.7(e)(3)) are to be modified to provide that each commodity or commodity grouping shall be assigned a separate commodity code number as found in the Commodity Indexes for the Standard International Trade Classification, Revised Series Number 38, Volumes I and II, published by the Department of Economic and Social Affairs of the United Nations.

A list of United Nations sales agencies where this publication is available, and proposed tariff forms, may be obtained from the offices of the Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573; or at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif.

All tariff pages shall be filed in accordance with the tariff forms referred to above. Commodity code numbers shall be placed to the left of the respective commodities in a column so designated for that purpose. The proposed modifications to the tariff filing rules do not require that commodity descriptions in tariffs conform to the commodity descriptions contained in the Commodity Indexes for the Standard International Trade Classification but only require the assignment of the appropriate commodity code number.

It is contemplated that the introduction of a system of electronic data processing of ocean freight rates will greatly simplify the performance of the Commission's responsibilities.

Interested persons may participate in this proceeding for modifications of the proposed rules previously published in this matter by submitting an original and 15 copies of written statements, data, views or arguments, pertaining to these proposed further modifications to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within thirty days from date of publication of this notice in the F.R. will be considered.

By the Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-3873; Filed, Apr. 20, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 240 ]

[Release 34-7288]

## BROKERS AND DEALERS

### Extension of Time for Comments on Proposed Rulemaking

The Securities and Exchange Commission has extended to May 18, 1964, the due date for the submission of views and comments upon its proposal to adopt a new § 240.15c2-7 (Rule 15c2-7 under the Securities Exchange Act of 1934) relating to the wholesale quotations system through which dealers advertise their buying or selling interests in securities traded over-the-counter.

The proposal was published in Release No. 34-7275 and in the FEDERAL REGISTER of March 27, 1964, 29 F.R. 3815, interested persons then being given until April 20, 1964, for the submission of views and comments thereon. The extension to May 18th was authorized on request of the National Association of Securities Dealers, Inc.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

APRIL 7, 1964.

[F.R. Doc. 64-3865; Filed, Apr. 20, 1964; 8:46 a.m.]

## [ 17 CFR Part 270 ]

[Release 40-3957]

## EXEMPTION OF CERTAIN TRANSACTIONS OF INSURANCE COMPANIES

### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to 17 CFR 270.3c-3 (Rule 3c-3 under the Investment Company Act of 1940 ("Act")) which would have the effect described below. Such rule, if adopted, would be promulgated pursuant to the authority conferred by sections 6(c) and 38(a) of the Act.

On January 7, 1963, the Securities and Exchange Commission adopted § 270.3c-3 (Rule 3c-3 (Investment Company Act Release No. 3605) under the Act) exempting from the provisions of the Act transactions of insurance companies with respect to certain group annuity contracts which provide for the administration of funds held by an insurance company in a separate account established and maintained pursuant to legislation which permits the income, gains and losses whether or not realized, from assets allocated to such account to be credited to or charged against such account without regard to other income, gains or losses of the insurance company. Transactions so exempt from the Act by § 270.3c-3 were also brought within the phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Securities Act of 1933, subject to certain conditions, by the adoption by the Commission on August 1, 1963 of 17 CFR 230.156 (Rule 156 under the Securities Act of 1933 (Securities Act Release No. 4627)).

The Commission has had the field of group pension plans, including those utilizing variable funding media and those proposed to provide variable benefits to employees, under continuing study. As to group variable plans generally, the Commission has previously announced its intention of dealing with the problems involved in its administrative capacity. See In the Matter of The Prudential Insurance Company of America (Investment Company Act Release No. 3620, January 22, 1963, at p. 5), and The Prudential Insurance Company of America v. S.E.C., 326 F. 2d 383 at 384 (C.A. 3, 1964).

In order to qualify for the exemption under 17 CFR 270.3c-3 the group contract, among other things, must provide that the retirement benefits for covered employees be payable in fixed dollar amounts. The group contract may not permit retirement benefits payable to employees which are measured by the investment results of the assets allocated to the separate account. The Commission has been urged to modify this qualification in order to permit retirement benefits payable to employees to vary in accordance with investment results of assets in the segregated account representing the pro rata share of the employer's contributions thereto.

The effect of the proposed amendment would be to modify § 270.3c-3 in order to permit group contracts otherwise meeting the condition thereof to provide for retirement benefits payable to employees to be measured by the investment results of a segregated account established and maintained by an insurance company to the extent, and only to the extent, of the employer's contributions thereto. No variable benefits would be permitted in respect of employee contributions, and all other restrictions and conditions of § 270.3c-3 would remain intact. The employee would be subject to the risk of market fluctuations of equity and other securities in the segregated account in respect of his employer's contributions but not in respect of his own contributions, if any, under the group contract.

Although the insurance companies may not be acting as trustees, the arrangements for utilization by employers of such special accounts maintained by insurance companies would be similar to arrangements excepted from the definition of "investment company" pursuant to section 3(c)(13) of the Act and maintained by bank trustees for the investment of funds which employers have set aside to meet their obligations under qualified pension plans.

The proposed amendment is not intended to exempt pension plans adopted pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962. These so-called "Smathers-Keogh" plans are expected to be the subject of another proposed rule which will be noticed for public comment by the Commission in the near future.

Section 6(c) of the Act provides that the Commission by rule, regulation or order may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue and amend rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

The text of the proposed amendment of § 270.3c-3 is as follows:

**§ 270.3c–3 Exemption for certain group annuity contracts which provide for administration of funds held by an insurance company in a segregated account.**

(a) Any transaction by an insurance company, as defined in section 2(a)(17) of the Act, involving a group annuity contract or contracts with an employer, employers or persons acting on their behalf (herein called the "employer") providing for the allocation of part or all of the employer's contributions thereunder to one or more separate accounts shall be exempt from the provisions of the Act, and no company, as defined in section 2(a)(8) of the Act, shall be deemed to have become subject to the Act by virtue of having engaged or participated in any of such transaction: *Provided*, That the contract:

(1) Contains an undertaking by the insurance company to provide, to the extent of the interest in such separate account of the employer and of the covered employees, for the future issue to covered employees on their retirement of annuities payable in fixed dollar amounts or of variable annuities measured by the investment results of assets allocated to such separate account, or both;

(2) Is made in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code, or the requirements for deduction of the employer's contributions under section 404(a)(2) of said Code whether or not the employer deducts the amounts paid for the contract under such section, except that plans covering employees, some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code, shall be excluded from the effect of this rule;

(3) Prohibits the allocation to the separate account of any payment or contribution made by any employee; and

(4) Covers at least 25 employees at the time of its execution.

(b) "Separate account" as used in this rule shall mean an account established and maintained pursuant to the law of any state or territory of the United States or the District of Columbia, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company and which does not include the reserves maintained for annuities in guaranteed fixed dollar amounts in the course of payment.

(c) All references herein to sections of the Internal Revenue Code mean said sections as now or hereafter amended, or any corresponding provisions of prior or subsequent United States Revenue laws.

(d) The exemption provided in this rule shall apply notwithstanding that there is no guarantee by the insurance company of or with respect to the investment results of assets allocated to a separate account.

(Secs. 6(c) and 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a–6, 80a–37)

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before May 8, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

APRIL 13, 1964.

[F.R. Doc. 64–3866; Filed, Apr. 20, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority No. 36]

### ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State, I hereby delegate the following functions and authorities to the Assistant Administrator for Administration, and otherwise direct as follows:

1. Authority to perform functions in the Controller field of responsibility as follows:

(a) Authority to sign the following:

(i) Allocation request letters;

(ii) Appropriation transfer authorizations (SF–1151);

(iii) Advices of allotment and funding plans;

(iv) Advices of allocation;

(v) Authorization letters to the Treasury Department concerning Federal Reserve Bank draft accounts;

(vi) Bank deposit agreements;

(vii) Travel advances;

(viii) Apportionment requests;

(ix) Letters of commitment to U.S. banking institutions, or to U.S. suppliers;

(x) Applications for letters of credit.

(b) Authority with respect to any individual PA or PIO/C, to waive, withdraw or amend, under § 201.23 of A.I.D. Regulation I, application of any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(c) Authority to sign and issue approvals and determinations, or to take other actions on behalf of the Administrator, as authorized or required by any of the provisions of § 201.11 and Subparts C, D and E of A.I.D. Regulation I;

(d) Authority to appoint, and to revoke the appointment of certifying officers, and to certify as to bonding status of such employees;

(e) Authority to request the Department of the Treasury to designate specified employees of A.I.D. as cashier, or such other designation as may be required in performing disbursing functions, to request the revocation of such designation, and to certify as to bonding status of such employees;

(f) In accordance with § 202.8 of A.I.D. Regulation 2, to waive in individual cases any of the provisions of A.I.D. Regulation 2;

(g) Authority to make findings, determinations and recommendations as appropriate relating to the relief of disbursing or other accountable officers pursuant to sections 82a–1 and 82a–2 of title 31 of the U.S. Code;

(h) In addition to the foregoing, authority to designate the officers or employees who are to execute on my behalf the various budget, accounting and fiscal documents, other than those set forth above, and certifications required to be furnished by this Agency to the Department of the Treasury, the Bureau of the Budget, or any other Agency of the U.S. Government.

2. In connection with administrative or program support activities:

(a) Authority to sign the following:

(i) Contracts, leases, and other documents for procurement of quarters, supplies, equipment and services, advertising, printing and binding, living quarters, offices, buildings, grounds and necessary supporting facilities, including payments therefor in advance, maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government; and costs of fuel, water and utilities for such properties;

(ii) Contracts and other documents for disposition of AID's interest in property, real or personal, held or acquired in connection with the conduct of the Foreign Assistance program.

(b) Authority to authorize and approve official travel, transportation and storage of effects (including automobiles) and related expenses, for A.I.D. financed activities;

(c) Authority to authorize and approve official travel on an actual subsistence expense basis, including authority to prescribe conditions under which reimbursement may be authorized on an actual subsistence expense basis;

(d) Authority to accept and use in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise, for such purpose, pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended.

3. In connection with the participant training program, authority to:

(a) Approve, in accordance with A.I.D. Regulation 5, the maximum rates of per diem for participants in training in the United States and to authorize exceptional rates of per diem for distinguished participants;

(b) To sign and issue Project Implementation Orders—Participant (PIO/P).

4. Authority to authorize expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of United States Government funds as may be necessary to accomplish the purposes of the Act, pursuant to section 636(b) of the Foreign Assistance Act of 1961, as amended.

5. The Assistant Administrator for Administration shall exercise all the authorities and perform the functions heretofore delegated to the Deputy Administrator for Administration as set forth in delegations of authority, manual orders, regulations, policy directives, notices or other issuances of this Agency.

6. The Assistant Administrator for Administration may delegate and, if he shall so specify, may authorize successive redelgations of, the authorities herein delegated.

7. Any redelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked or superseded by actions of the officers to whom I have delegated relevant authority in this Delegation.

8. With respect to the authority to issue PIO/P's, the Director, Office of International Training and Deputy Director, Office of International Training, shall be deemed to be the successors of the Acting Chief, International Training Division, and the Acting Assistant Chief, International Training Division respectively, who, in turn, are the successors of the Director, Office Participant Training, and the Assistant Director, Office of Participant Training of ICA.

9. References in delegations of authority, regulations, policy directives, policy determinations, manual orders, instructions, memoranda, notices or other similar documents to the Director, Office of Contract Relations, and to the Director, Office of Administrative Services shall be deemed as of November 4, 1961 to refer to the Chief, Contract Services Division, and to the Chief, General Services Division, respectively, and subsequently thereto to such other officer(s) as may be designated as the successor(s) thereto.

10. Nothing herein shall be construed (a) to derogate from the authority of the Administrator, in his discretion, at any time to exercise any of the functions herein delegated or to amend or supplement this Delegation of Authority, or (b) to derogate from other delegations or assignments heretofore or hereafter made.

11. The following delegations of authority, or parts of delegations of authority, are hereby revoked:

(a) Delegation of Authority from the Administrator of A.I.D. to the Assistant Deputy Administrator for Administration dated June 22, 1963;

(b) Delegation of Authority No. 18 from the Administrator of A.I.D. to the Deputy Administrator for Administration, dated September 11, 1962 (27 F.R. 9236);

(c) Delegation of Authority No. 13 from the Administrator of A.I.D. to the Assistant Administrator for Administration dated March 15, 1962 (27 F.R. 3701);

(d) Delegation of Authority from the Director of the International Cooperation Administration to the Assistant Director for Administration (ICA) dated August 9, 1961 (26 F.R. 7742);

(e) Section 2 of Delegation of Authority from the Director of ICA to the Deputy Director for Management of ICA dated September 28, 1960 (25 F.R. 9927);

(f) Delegation of Authority from the Director of ICA to the Chief, Fiscal Branch of the Office of the Controller dated August 29, 1956 relating to the withholding of income taxes for the District of Columbia and other jurisdictions;

(g) Delegation of Authority from the Acting Director, FOA, to the Controller, FOA, dated October 25, 1954, relating to the certification required by Section 1311 of the Supplemental Appropriation Act of 1955;

(h) Delegation of Authority from the Director of FOA to the Deputy Director for Management of FOA relating to Certifying Officers, dated November 19, 1953;

(i) Delegation of Authority to the Secretary-Treasurer, Development Loan Fund, from the Managing Director, Development Loan Fund dated June 30, 1960 (25 F.R. 6445), to sign Fiscal Documents, which was continued in effect by the Administrator of A.I.D. by Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 10734);

(j) Delegation of Authority to the Secretary-Treasurer, Development Loan Fund, from the Managing Director, Development Loan Fund dated June 30, 1960 (25 F.R. 6445), to certify vouchers, which was continued in effect by the Administrator of A.I.D. by Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 10734).

This delegation of authority shall be deemed effective as of September 16, 1963.

Dated: April 8, 1964.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64-3870; Filed, Apr. 20, 1964; 8:47 a.m.]

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## CONTROLLER, A.I.D., ET AL.

### Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority, No. 36 from the Administrator of A.I.D. dated April 8, 1964, I hereby redelegate the following authority and functions:

1. To the Controller, A.I.D.:

(a) Authority to sign the following:

(i) Allocation request letters;

(ii) Appropriation transfer authorizations (SF-1151);

(iii) Advices of allotment and funding plans;

(iv) Advices of allocation;

(v) Authorization letters to the Treasury Department concerning Federal Reserve Bank draft accounts;

(vi) Bank deposit Agreements;

(vii) Travel advances;

(viii) Apportionment requests;

(ix) Letters of commitment to U.S. banking institutions or to U.S. suppliers;

(x) Applications for letters of credit.

(b) Authority with respect to any individual PA or PIO/C, to waive, withdraw or amend, under § 201.23 of A.I.D. Regulation I, application of any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(c) Authority to sign and issue approvals and determinations, or to take other actions on behalf of the Administrator, as authorized or required by any of the provisions of § 201.11 and Subparts C, D, and E of A.I.D. Regulation I;

(d) Authority to appoint, and to revoke the appointment of certifying officers, and to certify as to bonding status of such employees;

(e) Authority to request the Department of the Treasury to designate specified employees of A.I.D. as cashier, or such other designation as may be required in performing disbursing functions, to request the revocation of such designation, and to certify as to bonding status of such employees;

(f) In accordance with § 202.8 of A.I.D. Regulation No. 2, to waive in individual cases any of the provisions of A.I.D. Regulation 2;

(g) Authority to make findings, determinations and recommendations as appropriate relating to the relief of disbursing or other accountable officers pursuant to sections 82a-1 and 82a-2 of title 31 of the U.S. Code;

(h) In addition to the foregoing, authority to designate on behalf of the Administrator, the officers or employees who are to execute the various budget, accounting and fiscal documents, other than those set forth above, and certifications required to be furnished by this Agency to the Department of the Treasury, the Bureau of the Budget, or any other Agency of the U.S. Government;

(i) To accept for use in the Foreign Assistance program, money, funds, or property, such as transportation tickets, made available pursuant to section 635(d) of the Foreign Assistance Act.

2. To the Chief, General Services Division, in connection with administrative or program support activities:

(a) Authority to sign the following:

(i) Contracts, leases, and other documents for procurement of quarters, supplies, equipment and services, advertising, printing and binding, living quarters, offices, building, grounds, and necessary supporting facilities, including payments therefor in advance, maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government; and costs of fuel, water and utilities for such properties;

(ii) Contracts and other documents for disposition of AID's interest in property, real or personal, held or acquired in connection with the conduct of the Foreign Assistance program.

(b) Authority to authorize official travel, transportation and storage of effects (including automobiles) in connection with the travel of persons whose travel is financed by A.I.D.;

(c) Authority to accept property (and related services) pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended.

3. To the Director, Office of International Training, authority to:

(a) Approve, in accordance with A.I.D. Regulation 5, the maximum rates of per diem for participants in training in the United States and to authorize exceptional rates of per diem for distinguished participants;

(b) To sign and issue Project Implementation Orders—Participant (PIO/P).

4. The officers to whom authority has been delegated above may redelegate such authority, including authority to authorize successive redelegation, when they shall so specify.

5. Any redelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked or superseded by actions of the officers to whom I have delegated relevant authority in this Delegation.

6. The following redelegations of authority, or parts of redelegations of authority are hereby revoked:

(a) Delegation of Authority to the Controller of ICA from the Deputy Director for Management dated June 18, 1957, relating to appointment of certifying officers, designation of cashiers and assistant disbursing officers, and other matters;

(b) Delegation of Authority to the Controller, the Director, Office of Administrative Services, and Director, Office of Personnel, of ICA, relating to various matters from the Deputy Director for Management dated September 29, 1960 (25 F.R. 9928);

(c) Delegation of Authority to the Director and Assistant Director, Office of Participant Training of ICA, relating to issuance of Project Implementation Orders—Participants (PIO/P) from the Deputy Director for Operations dated September 29, 1960;

(d) Delegation of Authority to the Director, Office of Program Support, of A.I.D., relating to per diem rates for distinguished participants from the Assistant Administrator for Administration dated March 19, 1962 (27 F.R. 3701) and Delegation of Authority to the Acting Chief, International Training Division of A.I.D. from the Acting Deputy Administrator for Administration, relating to the same subject matter dated July 19, 1963.

7. This Redelegation of Authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 8, 1964.

WILLIAM O. HALL,
*Assistant Administrator for Administration.*

[F.R. Doc. 64-3871; Filed, Apr. 20, 1964; 8:47 a.m.]

[Delegation of Authority No. 39]

## ASSISTANT ADMINISTRATOR FOR DEVELOPMENT FINANCE AND PRIVATE ENTERPRISE, ET AL.

### Delegation of Authority Relating to Investment Guaranties

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate the following functions:

1. To the Assistant Administrator for Development Finance and Private Enterprise:

(A) Authority to authorize and issue guaranties under sections 221(b)(1) and 221(b)(2) of the Foreign Assistance Act of 1961 (except as otherwise delegated in paragraphs 2(A) and 3 herein), and in connection therewith to exercise the functions provided in sections 221(b)(1), 221(b)(2) and section 635(i), and to make the related approvals and determinations provided therein and in section 221(a), 221(c), and 222(a).

(B) Authority to take all appropriate action with respect to guaranties issued under paragraph 1(A) above, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954.

2. To the Assistant Administrator for the Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa, and the Assistant Administrator for the Far East, each for the countries or areas for which they have responsibility:

(A) Authority to authorize and issue guaranties under section 221(b)(2) of the Foreign Assistance Act of 1961 for loan investments for housing projects, and in connection therewith to exercise the functions provided therein, and in 635(i), and to make the related approvals and determinations provided therein, and in sections 221(a), 221(c), and 222(a).

(B) Authority to authorize and issue guaranties in an amount not to exceed $10 million under section 221(b)(2) of the Foreign Assistance Act of 1961 when such guaranties are to be issued for investment in a project also receiving a dollar or local currency loan from the Agency for International Development, and in connection with such guaranties to exercise the functions provided in sections 221(b)(2) and 635(i), and to make the related approvals and determinations provided therein and in sections 221(a) and 221(c).

(C) Authority to take all appropriate action with respect to guaranties issued under paragraphs 2 (A) and (B) above and under section 202(b) of the Mutual Security Act of 1954.

3. To the Assistant Administrator for Latin America: Authority to authorize, issue and to take all appropriate action with respect to (i) guaranties for loan investments for housing projects in Latin America under section 224 of the Foreign Assistance Act of 1961, and (ii) guaranties for investments in Latin America in an amount not to exceed $10 million each under section 221(b)(2) other than for housing projects, and in connection therewith to exercise the functions provided in sections 221(b)(2) and 635(i), to make the related approvals and determinations provided therein, and in sections 221(a) and 221(c), and in connection with (i) above, to make the fee determination under section 222(a).

4. Delegation of Authority No. 5 from the Administrator of A.I.D. dated December 29, 1961, as amended, by Delegation of Authority No. 5.1 of September 18, 1962, is hereby further amended as follows:

(A) In paragraph "(1)" of section A, delete the following:

1. the words "and guaranty" in subparagraphs "(a)" and "(b)" thereof; and

2. subparagraph "(c)" thereof in its entirety.

(B) In paragraph "(2)" of Section A, make the following changes in the first sentence:

1. Delete the words "and guaranties" after the word "loans", and

2. Insert a "." after the word "loan" and delete the following which appear at the end thereof: "or potential liability of the United States under a guaranty."

(c) 1. In paragraph "(1)" of Section B, delete the words "and guaranty".

2. In paragraph "(2)" of Section B, delete the words "and guaranties".

(D) Delete the paragraph which immediately follows paragraph (2) of Section B.

5. Paragraph 4 of Delegation of Authority No. 3 from the Administrator of A.I.D. dated November 4, 1961, and Redelegation of Authority from the Deputy Administrator of A.I.D. to the head of the Office of Development Financing, dated November 9, 1961, are hereby revoked.

6. The authorities delegated herein may be redelegated and shall be exercised in accordance with agency policies, regulations, and procedures.

7. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

8. This Delegation of Authority shall be deemed effective as of December 17, 1963 and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

Dated: April 13, 1964.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64-3872; Filed, Apr. 20, 1964; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## National Park Service

[Order No. 5]

## SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA; ASSISTANT SUPERINTENDENT ET AL.

### Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Assistant Superintendent and the Administrative Officer may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and the Administrative Officer on behalf of any coordinated area.

2. The Procurement and Property Management Officer may execute and prove contracts not in excess of $50,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer on behalf of any coordinated area.

3. The Procurement Agent may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement Agent on behalf of any coordinated area.

4. The Property and Supply Supervisor and the Warehouseman may execute and approve contracts not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Property and Supply Supervisor and the Warehouseman on behalf of any coordinated area.

5. Revocation: This order supersedes Order No. 4, issued May 24, 1963.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: March 27, 1964.

JOHN M. DAVIS,
*Superintendnt, Sequoia and Kings Canyon National Parks.*

[F.R. Doc. 64-3864; Filed, Apr. 20, 1964; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15185; Order No. E-20704]

## NORTHEAST AIRLINES, INC.

### Proposed "Econ-O-Flight" and Group Fares to Florida; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April 1964:

On March 12, 1964, Northeast Airlines, Inc. (Northeast), filed a tariff [1] marked to become effective April 27, 1964, proposing group round-trip jet coach fares between Miami/Ft. Lauderdale, on the one hand, and Boston, New York, and Philadelphia, on the other.[2] Fares are

[1] Northeast Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 49, bearing a posting date of March 13, 1964.

[2] National Airlines' earlier-filed fares for individuals and for groups of 25 or more passengers have already been permitted by the Board to become effective for the same date (CAB Press Release No. 64-24, March 6, 1964). Eastern has filed individual and group fares similar to those of National and Northeast has filed only individual excursion fares equal to National's.

proposed for groups of 25–49, 50, 51, 52, 53, 54, and 55–75 persons. These fares range from approximately 109 to 163 percent of Northeast's one-way jet day coach fares, and vary with the number of passengers in each group, and the days on which the fares apply. For example, the New York-Miami round-trip fares, which are representative of the fares for the other segments, would be, for groups of 25 through 49 passengers, $119.00 on Friday through Sunday, $99.00 on Monday and Thursday, and $89.00 on Tuesday and Wednesday. As the size of the group increases, the fares would decrease by steps of $1.50, up to a total reduction of $9.00 ($110.00, $90.00, and $80.00 fares, respectively) for groups of 55 through 75 passengers. The proposed tariff bears an expiration date of October 25, 1964.

Northeast has also filed a tariff,[3] marked to become effective May 2, 1964, proposing one-way and round-trip "Econ-O-Flight" fares between Miami, on the one hand, and Boston, New York, and Philadelphia, on the other. The proposed one-way fares are $42.86, $38.10, and $36.19, respectively. Transportation will be on designated Econ-O-Flights scheduled to depart between the hours of 4:00 a.m. Saturday and 3:59 a.m. Monday, using DC–6B aircraft having 76 or more seats. No food or alcoholic beverages will be served. Other tariff provisions are similar to those of "airbus" service in some of these markets. The tariff expires with December 13, 1964.

National Airlines, Inc. (National), and Eastern Air Lines, Inc. (Eastern), filed complaints requesting suspension and investigation of the proposed tariffs, stating that the proposed fares would be discriminatory, prejudicial, preferential, unreasonable, and unjust. The complaints allege that the group fares of Northeast would be unreasonably low; that such fares should not apply on weekends (the peak travel days) and that no justification could be established for such application; that lower fares on Tuesday and Wednesday than on Monday and Thursday are not justified; and that the proposed larger reductions for larger groups are uneconomical. The complaints further assert that the Econ-O-Flight fares of Northeast would be unlawful, since they would be unreasonably low; that the fares would be substantially lower than those suspended by the Board in several of its decisions; and that Northeast would be neglecting its New England service to provide uneconomic fares to Florida. Northeast and the Southern Florida Hotel and Motel Association have filed answers to the complaints.

Defensive tariffs have been filed by Eastern and National. Eastern's filings match Northeast's Econ-O-Flight and group fares. National has not filed fares similar to Econ-O-Flight, but has filed tariff revisions,[4] effective April 27, 1964, proposing group fares between Miami, on the one hand, and Baltimore, Boston, New York/Newark, Philadelphia, and Washington, on the other, for groups of 25 or more passengers, but at the level of Northeast's fares for groups of 55 or more passengers. National's group fares, however, are applicable to coach service flown with jet or propeller aircraft, as opposed to the group fares of Northeast which apply only to jet aircraft. Both carriers state that they will withdraw these competitive tariffs if Northeast's group fares are suspended. National further states that it has not published fares for seven group sizes, as filed by Northeast, because it believes that such a tariff cannot be properly administered and creates undue confusion to the traveling public. Northeast has filed complaints against the "Thrift" fares filed defensively by Eastern (to match Northeast's Econ-O-Flight fares), and the group fares of National. Eastern has filed an answer to Northeast's complaint.

In support of its tariff filings, and in answer to the complaints,[5] Northeast asserts that it believes there is a market for its Econ-O-Flight low fares by persons who are "price conscious" travelers, desiring to purchase such transportation for weekend travel, and who would not, or could not, travel at higher jet fares. In defense of its group fares, Northeast alleges that the Board has long recognized the desirability of promotional fares in the Florida market; that the Board has approved group fares of Northeast as low as $80.00 between New York and Miami; that group fares with the reductions of the magnitude proposed are well established; and that in the summer of 1963, Monday and Thursday, and not weekends, were the peak traffic days in the Florida market. The carrier further alleges that it expects that both of its proposals will stimulate traffic and smooth out seasonal and weekly traffic peaks, thereby achieving better utilization of equipment and ground facilities, and that its proposals will increase revenues.

Upon consideration of the complaints and other matters of record, the Board finds that the proposed Econ-O-Flight fares and the group fares other than those applicable on Monday and Thursday may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that such fares should be investigated. Conversely, we find that the complaints lodged against the group fares of Northeast applicable on Monday and Thursday fail to set forth facts which warrant investigation. The Board would also consider any tariff filings extending the fares for Monday and Thursday to Tuesday and Wednesday. Our order of investigation will also include the corresponding defensive fares and provisions of Eastern and the entire group fare tariff revisions of National. As explained in subsequent parts of this order, these fares will also be suspended.

There has been no showing of a demonstrated economic validity of the Econ-O-Flight fares. The Econ-O-Flight tariff proposes a new class of service for the Florida market, but except for a short statement of added costs relating to this service, no adequate cost data have been supplied by Northeast in support of its proposal. Northeast has not submitted any estimate of such basic cost and financial data for the new service as the cost per seat-mile, cost per passenger-mile, or break-even load factor on a fully allocated cost basis. The aircraft to be operated in the proposed service are DC–6B's with a coach configuration of 76 seats, which causes the unit cost of the service to be greater than that of high-density piston or jet aircraft. Furthermore, since the fares, yielding approximately 3.5 cents per passenger-mile, are set at a level of approximately 35 and 49 percent below regular propeller and jet fares, respectively, without apparent corresponding cost savings, they raise a substantial question of economic validity when considered from the viewpoint of the entire service to the Florida market. The Board notes that there are already numerous reduced fares in the market available to the public; that Eastern has defensively proposed to operate this service with Electra aircraft; that the proposed fares are applicable on weekends, the normal traffic peak days in the market; that no service with high-density seating configuration is contemplated by Northeast; and that the fares may divert substantial traffic from both regular and excursion travel.

There is no traffic justification for offering weekend group fare discounts. The summer excursion fares from points in the East to Florida, approved by the Board in 1963 and early this year, have the distinctive features of equalizing traffic between weekends and low-traffic days in the week.[6] The proposed Friday-Sunday group fares would be contrary to the purpose of the current excursion fares and by undercutting regular fares and, in certain instances, day and night jet coach excursion fares, would tend to divert traffic from light-traffic days to weekends. With respect to Northeast's proposal to establish group fares, at varying levels, on Monday and Thursday, the differentials below regular fares for the various group sizes proposed by Northeast do not appear unreasonable, and we will not require their investigation.

The group fares applicable on Tuesday and Wednesday appear to be of questionable economic validity on different grounds. These fares, ranging from 3.6 to 4.1 cents per passenger-mile are un-

[3] Northeast Airlines, Inc., Local Econ-O-Flight Tariff, C.A.B. No. 50, bearing a posting date of March 17, 1964.

[4] Revisions to National Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 81, filed March 27, 1964.

[5] Northeast claims in its answer that the complaint of National against the Econ-O-Flight fares was untimely under Rule 302.505 (b). Since the filing period expired on March 29, 1964 (a Sunday), the provisions of Rule 302.16 also apply in this case. This Rule authorizes the filing of complaints on the following day, Monday, March 30, 1964. National's complaint, therefore, was timely filed.

[6] In its answer to the complaints, Northeast alleges that the average number of passengers carried on Tuesday and Wednesday was about 60 percent of the average number carried on Monday and Thursday, and that these days have a traffic volume greater than weekends. Northeast's information is based on data for July 1963, which reflect summer excursion fares in that period.

duly low in relation to regular fares. Furthermore, although there is a substantial differential between weekend and weekday volume of regular traffic, the difference in traffic between Tuesday and Wednesday and the other days of the week, other than weekends, appears to be small. Although the Board has allowed fare differentials to permit a better distribution of traffic during off-peak periods, no substantial traffic or cost justification supporting lower group fares on Tuesday and Wednesday rather than on Monday and Thursday has been supplied by Northeast.

Furthermore, in view of the questionable economic validity of the Econ-O-Flight fares and the group fares of Northeast, other than those applicable on Monday and Thursday, and the competitive impact which these fares might have upon the carriers operating in the Florida market, we have concluded to suspend the use of such fares pending investigation. Eastern's "thrift" fares and group fares similar to Northeast's will also be suspended pending investigation.

With regard to the group fares of National, the fares start at the lowest level of Northeast's group fares. This causes the proposal to be a new and different filing, and not a defensive filing as claimed by National. Even though we note that there may be some validity in National's contention that seven fares for each group of days may be difficult to administer, National's proposal incorporates the uneconomic and damaging diversionary aspects of Northeast's group tariff. Accordingly, the entire tariff revision of National will be suspended and investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered*, That

1. An investigation be instituted to determine whether the fares and provisions in "Column A" and "Column C" appearing on Original Page 5 of Eastern Air Lines, Inc., C.A.B. No. 150; Eastern Air Lines, Inc., C.A.B. No. 151; the fares and provisions appearing on 2d Revised Page 8 of National Airlines, Inc., C.A.B. No. 81; Northeast Airlines, Inc., C.A.B. No. 50, including 1st Revised Title Page thereto; and the fares and provisions applicable between 12:01 a.m. local time Friday and 11:59 p.m. local time Sunday and between 12:01 a.m. local time Tuesday and 11:59 p.m. local time Wednesday appearing on Original Pages 8, 9, 10, 11, 12, 13, and 14 of Northeast Airlines, Inc., C.A.B. No. 49, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in ordering paragraph 1 are suspended and their use deferred to and including July 25, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints in Dockets 15113, 15117, 15131, 15160, and 15171, to the extent granted, are consolidated herein;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-3887; Filed, Apr. 20, 1964; 8:49 a.m.]

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[Docket No. 14945; Order No. E-20706]

## TRANS WORLD AIRLINES, INC., ET AL.

### Order Approving Agreement Relating to North Atlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of April 1964:

In the matter of an agreement between Trans World Airlines, Inc., Pan American World Airways, Inc., and other carriers relating to North Atlantic fares, Docket 14945, Agreement C.A.B. 17685:

Trans World Airlines, Inc., by a document filed January 30, 1964, has requested Board approval of an agreement relating to fares and rules to become effective April 1, 1964, for North Atlantic travel, if the Board finds an agreement does exist within the meaning of section 412 of the Act. However, the carrier asserts that there is no agreement between TWA and other carriers on the tariff rules or fares relating to such tariffs, that its tariffs represent the independent belief by TWA that the fares and rules are just and reasonable. TWA states that it is making the request for approval because the fares are similar to those which would have become the subject of an agreement had they been adopted as an IATA resolution and because other air carriers and foreign air carriers have filed fares and rules substantially the same as those filed by TWA. Pan American, by document filed February 5, 1964, states that the matters referred to in the TWA document are equally applicable to Pan American and joins in a similar request.

The rates and fares in foreign air transportation are for the most part established by agreement pursuant to the Board approval of IATA rate-making machinery (6 C.A.B. 639, 1946). The fares last established by IATA carriers on the North Atlantic were by resolutions marked to expire March 31, 1964. Consistent with past practice, the carriers during the preceding months met (at Salzburg and at Nassau) to establish, inter alia, fares and rules for travel on the North Atlantic for a period commencing April 1, 1964. The carrier meetings at Salzburg and Nassau did not result in any formal agreement as to the full and complete rates which the carriers would apply on the North Atlantic. A bar to the conclusion of a formal agreement of the fares appears to have been the insistence by certain carriers of particular promotional fare provisions of limited application. It is clear, however, that the carriers in the course of their discussions at the Salzburg meetings and at Nassau reached certain conclusions as to what they considered appropriate fares which form the basis for the fare structure on the North Atlantic. Further, the carriers have by tariffs filed and marked to become effective April 1, 1964, implemented their common conclusions in this regard. Such tariffs provide essentially the same fares concerning which, for the most part, consensus was reached in the discussions above mentioned.

In determining whether these actions by the carriers constitute an agreement within the meaning of the Act, we note first that section 412(a) thereof requires every air carrier to file with the Board a true copy, or if oral, a true and complete memorandum, of any contract or agreement (whether or not there are provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation, or any modification thereof between such air carrier and any other air carrier or foreign air carrier.[1] Thus, by the terms of the Act, the contract or agreement need not be in writing but may be made orally between the parties. Further, the Act applies to modification or cancellation of existing agreements and to contracts or agreements, whether or not enforceable by provisions for liquidated damages, penalties, bonds, or otherwise. It does not therefore appear to the Board that carrier actions leading up to and including the present tariff filings for April 1 effectiveness are necessarily precluded from the provisions of sections 412 and 414 of the Act by reason of the fact that no resolution was formally adopted by unanimous consent of the IATA carriers in accordance with the approved procedures for the IATA rate-making machinery. Neither are our considerations as to the existence of an agreement affected by our judgment of the public interest aspects of the tariff proposals of the IATA carriers. Accepting, arguendo, TWA's condition that the fares and rules for effectiveness April 1, 1964, result from its independent belief that they are just and reasonable, it does not follow therefore that such fares and charges were independently arrived at, or that such fares and charges are not the product of an agreement between TWA and other

[1] In Sec. 412(b) it is further provided that the Board shall by order disapprove any such contract or agreement it finds to be adverse to the public interest or in violation of the Act and by order approve any such contract or agreement or any modification or cancellation thereof that it does not find to be adverse to the public interest or in violation of the Act. Section 414 relieves from the operations of the antitrust laws any person affected by an order made pursuant to section 412 of the Act.

air carriers and foreign air carriers within the meaning of section 412 of the Act.

As indicated, it is not controverted by any party that the fares and rules now appearing in the proposed tariffs are basically the same as those fares and rules upon which a consensus was reached by the majority, if not all, of the IATA carriers in the above-referenced discussions. The identity of the tariff proposals with the terms and conditions discussed as most appropriate during the IATA conferences, as well as the identity of the terms and tariff provisions of the different carriers with each other suggest or demonstrate that they are the result of concerted action. An intent of the antitrust laws is to insure that rates and fares in air transportation not be established by concerted action, except where the fares and rates resulting from such concerted action (whether by written agreement or otherwise) are subject to the scrutiny and control of the Board. We have concluded that the matters raised by TWA and Pan American require action by the Board pursuant to sections 412 and 414 of the Act. In accordance with current IATA procedures, the Board has received daily reports of the Salzburg meetings and a summary of the Nassau meeting, and IATA has provisionally filed the resolutions agreed to by the majority. Upon consideration of the Salzburg and Nassau conferences, and the uniformity of the tariffs subsequently filed by the parties thereto, we conclude that an agreement has been reached by TWA, Pan American, and other air carriers and foreign air carriers with respect to the fares and charges applicable on the North Atlantic. We will proceed to consider such agreement with respect to the public interest aspects, and lawfulness of the fares established thereby, pursuant to the provisions of section 412(b) of the Act. The Board will treat the documents filed by TWA and Pan American, together with the referenced reports and summary, as well as the tariff filings, as meeting the filing requirements of section 412(a) of the Act. The agreement has been assigned the above-designated C.A.B. Agreement number.

Turning to the merits of the agreement, the fare package agreed to by the majority and implemented in the tariff filings accomplishes the following: It would establish two levels of economy-class fares. Round-trip low-level fares, New York-London, provide a reduction of $100.70, from $499.70 to $399.00. These fares are to be available for travel except during the peak travel period of 10½ weeks when round-trip fares will provide only a token reduction of $15.20. Round-trip first-class fares will be reduced by $190.00, from $902.50 to $712.50. Current round-trip 14–21 day excursion fares of $350.00, New York-London, will be reduced by $50.00 and made available during most of the year (April 1 through November 5 this year) except for weekends and periods of short duration in the peak travel season. Affinity group fares will be retained for one additional season through September 30, 1964. These fares will be increased by 5 percent and amended to preclude travel during April and May and to extend the present two-week periods in which travel may not be undertaken to include extra days in each direction. The fare package also contemplates the continuation for at least another year of the different special fares for military personnel. The reduced round-trip fares for individual travel by U.S. military personnel will be reduced from $349.80, New York-London, to $300.00. Family fare discounts and North Atlantic emigrant fares from Europe to the United States will be terminated.

Although the revised fare structure has certain deficiencies, it falls within the pattern that the Board has indicated it could accept. With respect to first-class fares, the Board did not press for any reduction, since it appeared existing fares were marginal in relation to the cost of providing the service. Nevertheless, the carriers consider that the reduced fares for this service will reverse the trend away from first-class travel and increase carrier revenues. The low-level economy-class fare—available for about 41½ weeks during the year—offers significant reductions to the traveling public during most of the year, and should serve as a stimulus both to the development of new traffic and to spreading traffic to the shoulder months of the on-season. The 10.5-week blackout period of these fares, however, exceeds the duration of peak-travel weeks, which more nearly falls within a 6- to 7-week period. The excessive length of the blackout period, therefore, tends to defeat, in part, the objective of spreading peak traffic to shoulder months. On the other hand, the extension of reduced 14–21 day excursion fares to the on-season, except for periods of comparatively short duration, appears to be a promising experiment in the development of new traffic.

With respect to group fares, the revisions in the dates when they will not be available and the proscription against travel in May and June are troublesome. The Board has received a number of complaints on the disruption of travel plans by these revisions. The Board did not urge the continuation of these fares, preferring excursion fares for individual travel. However, since the carriers have elected to offer these fares for a further period it would have been preferable if the periods of availability had remained unchanged. At the same time, the extra days' restriction against travel in the peak weeks would not appear unreasonable. For this reason and in light of the total improvement in the fare structure, we will not condition our approval to require retention of last year's provisions governing the applicability of these fares.[2]

On balance, we consider that the revised fare structure may be viewed as a major step toward achieving the Board's objective to obtain lower fares for the majority of the transatlantic travelers.

We do not consider that the special round-trip fares for groups of 40 passengers or more for travel to Israel fall within the realm of the agreement or our approval of the agreement. The El Al Israel Airlines' tariff on file retains a provision interpreted to permit resumption of travel at a point other than the place of stopover, a privilege intended to be prohibited by other carriers. However, a number of tariffs seem to have been conformed with the El Al tariff as a defensive measure. Accordingly, we do not consider that the carriers are acting by agreement in this respect.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That Agreement C.A.B. 17685 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-3888; Filed, Apr. 20, 1964; 8:49 a.m.]

[2] However, we will expect the carriers to accommodate groups for which they made reservations under the old rules within the new periods. Failure to accommodate such groups would afford a basis for reconsideration of the necessity to impose appropriate conditions.

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[Docket No. 14875 etc.]

## SERVICE TO HURON, S. DAK.

### Notice of Change in Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held on May 12, 1964, at 10:00 a.m., local time, in the Ballroom of the Marvin Hughitt Hotel, 375 Dakota South, Huron, South Dakota, instead of in the Plains Motel, 924 Fourth Street NE., Huron, South Dakota, as previously announced.

Dated at Washington, D.C., April 16, 1964.

[SEAL] ROBERT L. PARK,
*Hearing Examiner.*

[F.R. Doc. 64-3889; Filed, Apr. 20, 1964; 8:50 a.m.]

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[Docket No. 15059]

## UNITED AIR LINES, INC.

### Notice of Postponement

Economy seating-configuration tariff revisions proposed by United Air Lines, Inc. (Order E-20532):

Notice is hereby given that the prehearing conference on the above-entitled application now assigned to be held on April 21 is postponed to May 20, 1964,

10:00 a.m., e.d.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., April 16, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-3890; Filed, Apr. 20, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15412]

## JOSE GASCOT BRANA

### Order To Show Cause

In the matter of Jose Gascot Brana, San Juan, Puerto Rico, Docket No. 15412; order to show cause why the license for Citizens Radio Station KIJ-0167 should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 13, 1963, alleging violation of § 19.72(b) (now § 95.101(b)) of the Commission's rules."

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated January 28, 1964, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

*It is ordered,* This 15th day of April 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of P.O. Box 1629, San Juan, Puerto Rico.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-3897; Filed, Apr. 20, 1964; 8:51 a.m.]

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[Docket No. 15414]

## THOMAS LEROY BROCK

### Order To Show Cause

In the matter of Thomas Leroy Brock, Fort Payne, Alabama, Docket No. 15414; order to show cause why the license for radio station 6W6559 in the Citizens Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 19, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that the licensee did not reply to that communication or to a follow-up letter dated January 14, 1964, also mailed to the licensee at his address of record; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 10 and 15 days, respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

*It is ordered,* This 15th day of April 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 501 Tyler Avenue, Fort Payne, Alabama.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-3898; Filed, Apr. 20, 1964; 8:51 a.m.]

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[Docket No. 14748 etc.; FCC 64M-318]

## CHARLES COUNTY BROADCASTING CO., INC., ET AL.

### Memorandum Opinion and Order Scheduling Hearing Conference

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permit and Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 15202, File No. BRH-1209; for renewal of license of station WSMD (FM).

1. By order released April 14, 1964, the Review Board authorized the Hearing Examiner to receive evidence under a standard comparative issue in this proceeding if, in his judgment, a choice under the 307(b) issue would be inappropriate.

2. In a proceeding which from its inception contained the contingent comparative issue, the Hearing Examiner would be reluctant to order the adduction of evidence directed to such issue without first soliciting the parties' views as to the necessity therefor. However, this is not the ordinary case. Here, the parties have already stated their positions on the 307(b) issue in their proposed findings of fact, and their stands with respect to the necessity for hearing on the comparative issue are fully articulated in their pleadings to the Review Board, relative to the Broadcast Bureau's request to add the contingent comparative issue. Thus, in this instance, the Hearing Examiner is enabled to exercise his discretion without the necessity of requiring formal pleadings to ascertain the parties' appraisals of the record.

3. There are undoubted differences in the applicants' 307(b) showings, and competitive advantages which flow therefrom. However, without attempting the analysis of these differences which will appear in the Initial Decision herein, it may be stated that the facts considered in the light of pertinent precedents do not dictate a clear 307(b) superiority for either applicant. Under these circumstances, the Hearing Examiner is of the opinion that the public interest would be better served by the receipt of evidence under the comparative issue.

*Accordingly, it is ordered,* This 15th day of April 1964, that the record is reopened for the purpose of adducing evidence directed to the contingent standard comparative issue added by the

Memorandum Opinion and Order of the Review Board released April 14, 1964; and,

*It is further ordered,* That a hearing conference will be convened on April 23, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C., for the purpose of establishing the schedule for the presentation of such evidence.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3899; Filed, Apr. 20, 1964; 8:51 a.m.]

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[Docket Nos. 15299, 15300; FCC 64M-319]

## GREAT NORTHERN BROADCASTING SYSTEM, ET AL.

### Order Continuing Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

Pending action on Midwestern's petition for rule making to add Channel 278 to Traverse City and consequent possible avoidance of the hearing, and without objection by the other parties: *It is ordered,* This 15th day of April 1964, that the hearing now scheduled for May 12, 1964, is rescheduled to July 13, 1964, and that the other dates mentioned in the Statement and Order released March 10, 1964 (FCC 64M-197) are extended 60 days.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3900; Filed, Apr. 20, 1964; 8:51 a.m.]

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[Docket No. 15413]

## METROPOLITAN RADIO USERS ASSOCIATION, INC.

### Order To Show Cause

In the matter of Metropolitan Radio Users Association, Inc., Denver, Colorado, Docket No. 15413; order to show cause why the licenses for Radio Stations KE-4341, KAZ-78 and KAN-858 in the Business Radio Service should not be revoked.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned stations;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio stations in communications dated February 6, 1964, and March 23, 1964, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that the foregoing communications from the Commission called for responses by the licensee within 30 days and 15 days respectively; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.89 of the Commission's rules; and

It further appearing, that the violations of section 308(b) of the Communications Act and § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

*It is ordered,* This 15th day of April 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the licenses for the above-captioned radio stations should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at his address of record at 3051 West 20th Avenue, Denver, Colorado.

Released: April 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3901; Filed, Apr. 20, 1964; 8:51 a.m.]

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[Docket No. 8218 etc.; FCC 64M-313]

## NORTHWESTERN INDIANA RADIO CO., INC., ET AL.

### Order Continuing Hearing

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Anthony Santucci, Robert Jones, Kenneth Berres, Albert Geller and Gabriel Aprati d/b as Valley Broadcasting, Kankakee, Illinois, Docket No. 15359, File No. BP-15459; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Livingston County Broadcasting Company, Pontiac, Illinois, Docket No. 15360, File No. BP-15470; for construction permits.

A prehearing conference having been held on April 13, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

*It is ordered,* This 13th day of April 1964, that:

(1) The direct affirmative cases of the applicants shall be presented entirely in the form of sworn, written exhibits; provided that Valley Broadcasting's direct case on Issue No. 6 may be supplemented by oral testimony, but in the event Valley Broadcasting elects to present part of its proof directed to Issue No. 6 in oral form, it shall furnish all other parties a list of its witnesses and a summary of the general scope of their testimony on or before June 15, 1964;

(2) Copies of the applicants' exhibits shall be exchanged on or before June 1, 1964; provided that the said exhibits may be modified through June 15, 1964, by the correction of errors or the addition of material requested by other parties, but are not to be modified by the addition of substantial new material designed to improve the applicants' position vis-a-vis its opponents;

(3) Copies of the applicants' exhibits in final form shall be exchanged on or before June 15, 1964;

(4) Any party wishing to call for cross-examination any witnesses sponsoring another parties' exhibit shall give notification therefor on or before June 22, 1964; and,

*It is further ordered,* That the hearing now scheduled to commence on May 25, 1964, is continued to July 6, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3902; Filed, Apr. 20, 1964; 8:52 a.m.]

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[Docket No. 15321; FCC 64M-315]

## PEPINO BROADCASTERS, INC.

### Order Continuing Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253; for construction permit.

The Chief Hearing Examiner having under consideration a petition in behalf of the applicant, filed April 14, 1964, requesting that hearing in the above-entitled proceeding be continued from April 16 to April 30, 1964;

It appearing, that the petition is supported by a showing of good and sufficient cause and is not opposed by the Commission's Broadcast Bureau, the only other party to the proceeding;

It appearing further, that, while it is appropriate to authorize a continuance of the hearing herein, due to the present schedule of the presiding officer it will be necessary for him later to specify the new hearing date:

*It is ordered,* This 15th day of April 1964, that the petition is granted to the extent that it requests a continuance of hearing in the above-entitled proceeding and is otherwise denied, and the said hearing which heretofore was scheduled

to commence April 16, 1964, is hereby continued without date: *And, it is further ordered,* That a new hearing date will be specified by the presiding officer.

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3903; Filed, Apr. 20, 1964; 8:52 a.m.]

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[Docket No. 15204-15207; FCC 64R-210]

## WHDH, INC. (WHDH-TV) ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF Television Broadcast Stations.

1. The Review Board has before it for consideration a petition to enlarge issues, filed February 26, 1964, by Boston Broadcasters, Inc. (Boston), and related pleadings.[1] Boston requests the addition of the following issue as to WHDH, Inc. (WHDH):[2] "To determine whether a grant of the application of WHDH, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended."

2. In support of its request for the foregoing issue, petitioner reports that Commission ownership files reveal that 21 percent of the stock of the Boston Herald-Traveler Corp. (WHDH's parent organization) is held by nominal owners for persons unknown, that 47.31 percent is held by small stockholders about whom nothing is known, and that WHDH has never revealed the citizenship of this group (68.31 percent) of stockholders. Citing the provisions of section 310(a)(5) of the Communications Act of 1934, as amended, that a station license shall not be granted to any corporation controlled by another corporation of which more than one-fourth of the capital stock is owned by aliens if the Commission finds that the public interest will be served by the refusal or revocation of such license, petitioner contends that the aforementioned uncertainty as to stock ownership makes the situation here sufficiently similar to that in proceedings where a section 310(a)(5) issue was added[3] to warrant the addition of such an issue here.

3. In a brief opposition, WHDH urges first that the petition is untimely filed with no showing of good cause for such untimeliness. In addition, WHDH would distinguish TVue Associates, Inc., supra, on the ground that there the Review Board rejected the accuracy of a sampling procedure, whereas The Boston Herald-Travel Corp. has used a procedure since 1946 which surveys every stockholder of the company. Finally, WHDH urges that petitioner has raised no matter which the Review Board need pursue on its own motion. The opposition of the Broadcast Bureau is based on substantially similar grounds.[4]

4. In Integrated Communications Systems Inc., of Massachusetts, supra, the Commission designated a section 310(a)(5) issue as to United Artists Broadcasting, Inc., because the sampling method used was not shown to be statistically valid. The same issue was added as to United Artists in TVue Associates, Inc., supra. Here, the Broadcast Bureau points out that 85 percent of the stockholders responded in 1946 and that all but a fraction of one percent of these were United States citizens. But WHDH has not come forward with the results of its most recent alleged survey—made before the October, 1962, renewal application, although it has had the opportunity to do so in its response to the subject petition. Thus, due to the lack of up-to-date information on a possibly disqualifying matter, addition of a specific issue to develop that information is warranted.

*Accordingly, it is ordered,* This 14th day of April 1964, that the motion to strike, filed March 11, 1964, by WHDH, Inc., is dismissed; and

*It is further ordered,* That the petition to enlarge issues, filed February 26, 1964, by Boston Broadcasters, Inc., is granted to the extent of enlarging the issues as indicated below, and is dismissed in all other respects; and

*It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: "To determine whether a grant of the application of WHDH, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended."

Released: April 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-3904; Filed, Apr. 20, 1964; 8:52 a.m.]

[1] Also before the Board are: Comments in support of the petition to enlarge issues, filed March 3, 1964, by Charles River Civic Television, Inc.; motion to strike the latter, filed March 11, 1964, by WHDH, Inc.; opposition, filed March 11, 1964, by WHDH, Inc.; and Broadcast Bureau's comments, filed March 11, 1964.

[2] Boston also requests the addition of an issue to determine whether a grant of WHDH's application would be consistent with § 73.636 of the rules. This request will be dismissed, since an identical issue was added as to WHDH by Review Board Memorandum Opinion and Order FCC 64R-128, released March 12, 1964.

[3] Integrated Communications Systems, Inc., of Massachusetts, FCC 64-96, released February 12, 1964; TVue Associates, Inc., FCC 64R-89, released February 18, 1964.

[4] Charles River Civic Television, Inc., filed comments in support of Boston's petition. WHDH has filed a motion to strike these comments on the grounds that it is an unauthorized pleading. In light of the fact that the information supplied in the comments is not necessary to the result reached herein, the motion to strike will be dismissed as moot.

# FEDERAL MARITIME COMMISSION

## CRUSADER SHIPPING COMPANY LIMITED AND HAMBURG-SUEDAMERIKANISCHE DAMPFSCHIFFFAHRTS-GESELLSCHAFT, EGGERT & AMSINCK (COLUMBUS LINE)

### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9342, between Crusader Shipping Company Limited and Hamburg-Suedamerikanische Dampfschifffahrts-Gesellschaft, Eggert & Amsinck (Columbus Line), provides for the establishment of a spaced schedule of sailings between the parties in the trade from New Zealand and the South Sea Islands to Pacific Coast ports of the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: April 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-3874; Filed, Apr. 20, 1964; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-217]

## GENERAL DYNAMICS CORP.

### Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on March 26, 1964 (29 F.R. 3782), the Atomic Energy Commission has issued License No. XR-50 to General Dynamics

Corporation authorizing export of a 30 kilowatt TRIGA Mark II nuclear reactor to The Johannes Gutenberg University, Mainz, Rheinland-Pfalz, Federal Republic of Germany.

Dated at Bethesda, Maryland, this 11th day of April 1964.

For the Atomic Energy Commission,

EBER R. PRICE,
*Director, Division of State and Licensee Relations.*

[F.R. Doc. 64-3885; Filed, Apr. 20, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-3894, etc.]

## ATLANTIC REFINING CO., ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 13, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3894 D 3-12-64 | The Atlantic Refining Co. | United Gas Pipe Line Co., Sibley Field, Webster Parish, La. | Assigned | |
| G-5010 C 4-3-64 | Shell Oil Co. | El Paso Natural Gas Co., Monahans Field, Ward and Winkler Counties, Tex. | 14.0 | 14.65 |
| G-5766 C 4-6-64 | Continental Oil Co. | El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex. | 9.0 | 14.65 |
| G-8852 C 4-6-64 | Gulf Oil Corp. | Trunkline Gas Co., San Salvador Field, Hidalgo County, Tex. | 13.696 | 14.65 |
| G-11861 D 4-6-64 | Socony Mobil Oil Co., Inc. (partial abandonment). | Cities Service Gas Co., Hardtner and Driftwood Fields, Barber County, Kans. | Assigned | |
| G-11870 D 4-6-64 | do. | Panhandle Eastern Pipe Line Co., Prairie Field, Hansford County, Tex. | Assigned | |
| G-11952 D 4-6-64 | do. | United Gas Pipe Line Co., Boyce Field, Goliad County, Tex. | Assigned | |
| G-12003 D 4-6-64 | do. | Phillips Petroleum Co., Texas Hugoton Field, Hansford and Sherman Counties, Tex. | Assigned | |
| G-17340 D 4-1-64 | Callery Properties, Inc. | Hope Natural Gas Co., Little Bayou Pigeon Field, Iberia Parish, La. | Assigned | |
| G-19200 [1] D 4-6-64 | Humble Oil & Refining Co. | Southern Natural Gas Co., Hub Field, Marion County, Miss. | Assigned | |
| G-19544 D 4-3-64 | Phillips Petroleum Co., Operator. | Panhandle Eastern Pipe Line Co., Hansford and Sherman Counties, Tex., and Texas County, Okla. | Uneconomical | |
| G-19838 C 4-6-64 | Continental Oil Co. | Tennessee Gas Transmission Co., Grand Isle Area, Offshore Louisiana. | 19.0 | 15.025 |
| CI61-340 E 4-6-64 | Richard C. Davoust (successor to Stanton Oil Co., Ltd.). | El Paso Natural Gas Co., Levelland Field, Cochran County, Tex. | [2] 15.7092 | 14.65 |
| CI61-516 C 4-1-64 | Pan American Petroleum Corp. | Michigan-Wisconsin Pipe Line Co., Acreage in Woodward County, Okla. | 19.5 | 14.65 |
| CI61-524 C 5-7-63 C 3-2-64 | Shell Oil Co. (Operator), et al. | Michigan-Wisconsin Pipe Line Co., Acreage in Major County, Okla., Cedardale Field, Woodward County, Okla. | [3] 15.0<br>[4] 17.0 | 14.65<br>14.65 |
| CI63-459 C 2-4-64 | Gulf Oil Corp. (Operator), et al. | Michigan-Wisconsin Pipe Line Co., N.E. Quinlan Field, Woodward County, Okla. | [4] 17.0 | 14.65 |
| CI63-1061 C 4-6-64 | Consolidated Oil & Gas, Inc. | El Paso Natural Gas Co., Tapacito, Blanco Mesaverde and Basin Dakota Fields, Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| CI63-1424 C 10-25-63 | Tenneco Corp. [4] | Panhandle Eastern Pipe Line Co., Northeast Trail Field, Dewey County, Okla. | [4] 15.0 | 14.65 |
| CI64-543 C 4-3-64 | Sunray DX Oil Co. | Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla. | 15.0 | 14.65 |
| CI64-1157 A 4-1-64 | Pearl G. Campbell (partial succession). | Northern Natural Gas Co., acreage in Kearny County, Kans. | 11.055 | 14.65 |
| CI64-1158 A 4-1-64 | Pan American Petroleum Corp. (successor to The Pure Oil Co.) (partial succession). | Michigan-Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla. | 21.545 | 14.65 |
| CI64-1159 A 4-2-64 | R. James Gear | Cities Service Gas Co., West Whelan Gas Field, Barber County, Kans. | 13.0 | 14.65 |
| CI64-1161 A 4-3-64 | W. J. Coppinger (Operator), et al. | Northern Natural Gas Co., Wide Awake Field, Seward County, Kans. | 14.0 | 14.65 |
| CI64-1162 A 4-3-64 | Haynes & V. T. Drilling Co., Operator. | J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Quinto Creek Field Area, Jim Wells County, Tex. | 10.5 | 14.7 |
| CI64-1163 A 4-3-64 | John M. Peel d/b/a Ricardo Oil & Gas Co., Operator. | J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Fort Lipan Field Area, Nueces County, Tex. | 10.0 | 14.7 |
| CI64-1164 A 4-3-64 | A. G. Hyden and Jimmie B. Myers d/b/a Hyden and Myers. | J. A. Heard d/b/a Heard Oil & Gas (successor to J. A. Heard, Trustee), Quinto Creek Field Area, Jim Wells County, Tex. | 8.5 | 14.65 |
| CI64-1165 A 4-3-64 | Mary L. Windom, agent for Windom & Sons Oil & Gas Co. (successor to James E. Windom). | Penova Interests, Inc., Grant District, Ritchie County, W. Va. | 19.0 | 15.325 |
| CI64-1166 A 4-3-64 | Sun Oil Co. | Garfield Gas Gathering Co., Divide Creek Area, Garfield and Mesa Counties, Colo. | 15.0 | 15.025 |
| CI64-1167 A 4-3-64 | Houston Royalty Co. (Operator), et al. | Texas Gas Transmission Corp., Sardis Church Field, Caldwell Parish, La. | 14.75 | 15.025 |
| CI64-1168 A 4-3-64 | Union Oil Co. of California (Operator), et al. | El Paso Natural Gas Co., Union-Moncrief-Federal No. 1-22 Gas Unit, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI64-1169 B 4-3-64 | Walter F. Kuhn, et al. | Northern Natural Gas Co., acreage in Haskell County, Kans. | Uneconomical | |
| CI64-1170 A 4-3-64 | Shell Oil Co. | Natural Gas Pipeline Co. of America, Thomas Plant, Dewey County, Okla. | 15.0 | 14.65 |
| CI64-1171 A 4-3-64 | Texaco Inc. | Lone Star Gas Co., East Hewitt Field, Carter County, Okla. | 15.0 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI64-1172 A 4-6-64 | Thomas A. Dugan | El Paso Natural Gas Co., Fulcher Kutz-Pictured Cliffs Field, San Juan County, N. Mex. | 11.0 | 15.025 |
| CI64-1173 A 4-6-64 | Jas. F. Smith | Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans. | 14.0 | 14.65 |
| CI64-1174 A 4-7-64 | Carl A. Nilsen | Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla. | 17.0 | 14.65 |
| CI64-1175 A 4-6-64 | Ashland Oil & Refining Co. (Operator), et al. | Natural Gas Pipeline Co. of America, Woodward County Area, Woodward County, Okla. | 17.0 | 14.65 |
| CI64-1176 A 4-6-64 | The Hefner Production Co., et al. | Kansas-Nebraska Natural Gas Co., Inc., Camrick Area, Beaver County, Okla. | 16.0 | 14.65 |
| CI64-1177 A 4-6-64 | do | Cities Service Gas Co., Northeast Richfield Area, Morton County, Kans. | 12.0 | 14.65 |
| CI64-1178 A 4-6-64 | Compadre Oil Corp., et al | Lone Star Gas Co., acreage in Stephens County, Okla. | 15.0 | 14.65 |
| CI64-1179 A 4-6-64 | Longhorn Production Co., Operator. | Natural Gas Pipeline Co. of America, acreage in Wise County, Tex. | 15.0 | 14.65 |
| CI64-1180 A 4-7-64 | W. C. Pickens, et al | Northern Natural Gas Co., Como Field, Beaver County, Okla. | 17.0 | 14.65 |
| CI64-1181 A 4-7-64 | Skelly Oil Co | Texas Gas Transmission Corp., Northwest Cotton Valley Area, Webster Parish, La. | 18.25 | 15.025 |
| CI64-1182 A 4-7-64 | H. N. Kennedy | Natural Gas of West Virginia, Inc., Battelle District, Monongalia County, W. Va. | 17.5 | 14.7 |
| CI64-1183 A 4-7-64 | Brooks Hall, et al | Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla. | 17.0 | 14.65 |
| CI64-1184 B 4-6-64 | Forest Oil Corp. (Operator), et al. | Lone Star Gas Co., acreage in Garvin County, Okla. | Uneconomical | |

[1] Presently consolidated with Docket Nos. G-8592, et al.
[2] Rate in effect subject to refund in Docket No. RI61-106.
[3] Original authorization conditioned pursuant to Commission's Opinion No. 353.
[4] Tenneco Corporation has been succeeded by Tenneco Oil Company; such succession is presently being reviewed by the Commission.
[5] Applicant agreed by letter dated 10-25-63 to accept a rate of 15.0 cents/Mcf as conditioned by Opinion. No. 353

[F.R. Doc. 64-3805; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. G-13221 etc.]

## UNION TEXAS PETROLEUM, ET AL.

### Order Severing Proceeding, Conditionally Approving Settlement Proposal and Conditionally Issuing Certificate of Public Convenience and Necessity

APRIL 14, 1964.

Union Texas Petroleum, et al., Docket No. G-13221, et al.; Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust, CI63-885.

On February 4, 1964, Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust (Woodfin) filed an offer of settlement and petition for issuance of certificate of public convenience and necessity in the above-entitled proceeding.

Woodfin's settlement proposal is similar to recent settlements conditionally approved by the Commission in the Union Texas Proceeding [1] and provides for the issuance of a certificate of public convenience and necessity at a rate of 20.625 cents per Mcf [2] for a sale of gas from the Chacahoula Field, Lafourche Parish, south Louisiana; a rate-increase moratorium through March 31, 1968 (subject to the usual exceptions); extension of the take-or-pay make-up period from 2 years to 4 years; refunds of all amounts above the settlement rate collected since the date of initial delivery.

No answers to Woodfin's petition and offer of settlement have been received.

We find this proposal, generally, to be in the public interest and shall approve it subject to the following reservations and conditions.

We shall require that interest on the amounts to be refunded accrue through the last day of the month in which the petition and offer were filed, February 29, 1964. This has been a requirement in all of our orders approving settlements arising out of the Union Texas proceeding.

In the context of the proposal, we interpret the term "delivered" as used in paragraph 1 of the proposal to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretation. Thus, prepayments, if any, shall be made during the moratorium period at a rate no higher than the rate in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61-2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61-2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61-2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61-2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

In accordance with the above we shall sever this individual docket from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al., and issue a certificate of public convenience and necessity in accordance with the application, settlement proposal and conditions of this order.[3]

The Commission finds:

(1) Gene M. Woodfin, Trustee For The Jean Curry Glassell Trust is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sale of natural gas is subject to the jurisdiction of the Commission, and such sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Woodfin is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, is required by the public convenience and necessity and is in the public interest upon the conditions set forth below, and a certificate should be issued as ordered below.

(5) The conditions attached to the certificate herein issued are required by the public convenience and necessity.

The Commission orders:

(A) The matters in Docket No. CI63-885 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

(B) A certificate of public convenience and necessity is hereby issued to Gene M. Woodfin, Trustee For The Jean Curry Glassell Trust, upon the conditions set forth herein authorizing the sale of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposal and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the application and settlement proposal herein.

(C) The certificate granted by paragraph (B) above, is granted upon the express condition that Woodfin comply fully with the terms of this order and the settlement proposal, as modified, which settlement is expressly approved, under the conditions of this order.

[1] See orders issued August 7, 1963 (Humble Oil & Refining Company) and October 9, 1963 (Gulf Oil Corporation and Socony Mobil Oil Company, Inc.), in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[2] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[3] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963 and the Examiner's Decision was issued on January 14, 1964. The matter is now before the Commission on exceptions to the Examiner's Decision.

(D) Within 90 days from the date of issuance of this order, Woodfin shall refund to the pipeline purchaser the difference between the amounts collected for gas delivered since the date of initial delivery and the amount that would have been collected under the settlement rate for gas delivered since that time together with interest computed at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposal was filed, February 29, 1964.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal as modified, Woodfin shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with a release from the purchaser showing receipt of the refunds in conformity with the settlement as approved.

(F) Upon full compliance of Woodfin with all the terms of this order and of the settlement proposal, Woodfin shall be relieved of any further refund obligations in this certificate proceeding and said proceeding shall terminate.

(G) The certificate herein issued is not transferable and shall be effective only so long as Woodfin continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificate herein shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(I) The grant of certificate herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Woodfin, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, Woodfin, the Commission staff, or any affected party herein in any other proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3862; Filed, Apr. 20, 1964; 8:46 a.m.]

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[Docket No. E-7090]

## ARKANSAS POWER & LIGHT CO.

### Notice of Further Postponement of Hearing

APRIL 14, 1964.

Upon consideration of the motion for postponement of hearing filed on April 3, 1964, by Commission staff counsel in the above-designated matter, and the statement filed on April 8, 1964, by counsel for Arkansas Power & Light Company stating that the latter company and the Arkansas Public Service Commission have no objection to the granting thereof;

Notice is hereby given that the hearing in the above-designated matter presently scheduled to commence at 10:00 a.m. on April 21, 1964, is postponed to June 29, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-3859; Filed, Apr. 20, 1964; 8:46 a.m.]

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[Docket No. RI64-689]

## LAFFOON OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 14, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before June 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in Docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI64-689... | Laffoon Oil Co., Cravens Bldg., Oklahoma City, Okla. | 1 | 1 | Jernigan & Morgan Transmission Co., (North Wellston Field, Lincoln County, Okla.) (Oklahoma "Other" Area). | $600 | 3-18-64 | [1] 4-20-64 | [2] 4-21-64 | [4] 9.0 | [3] [4] [5] 10.0 | ---------- |

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Subject to downward Btu adjustment.
[6] Net rate is 5.5 cents per Mcf after 4.5 cents per Mcf deduction for compressing gas.

Laffoon Oil Company's (Laffoon) proposed rate increase, which was contractually due December 23, 1962, relates to the sale of natural gas to the gatherer, Jernigan & Morgan Transmission Company (Jernigan), for resale to Cities Service Gas Company. The increased price falls below the 11.0 cents per Mcf ceiling for increased rates in the Oklahoma "Other" Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56) but should be suspended because it is geared to the gatherer's resale rate, there being a 2.0 cents differential, and the gatherer's related rate increase as 12.0 cents per Mcf which is subject to refund in Docket No. RI63–234. Since the gatherer (Jernigan) is now collecting its increased rate (subject to refund) we believe that Laffon's proposed increased rate should be suspended for one day from the requested effective date of April 20, 1964.

[F.R. Doc. 64–3860; Filed, Apr. 20, 1964; 8:46 a.m.]

[Docket No. CP64–23]

## PENDLETON COUNTY WATER DISTRICT

### Notice of Application

APRIL 14, 1964.

Take notice that on July 24, 1963, as amended on November 26, 1963, and February 17, 1964, the Pendleton Water District (Applicant) a municipal corporation under the laws of Kentucky, having its principal place of business in Butler, Pendleton County, Kentucky, filed in Docket No. CP64–23 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Kentucky Gas Transmission Corporation (Kentucky Gas) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant consisting of 17.5 miles of transmission line and distribution systems in the communities of Butler and Falmouth and their environs, and to sell and deliver to Applicant its daily and annual requirements of natural gas in Mcf at 14.73 psia as follows:

| Year of service | Peak day | Annual |
|---|---|---|
| 1 | 828 | 90,140 |
| 2 | 1,014 | 110,131 |
| 3 | 1,201 | 130,123 |

The estimated cost of the project is $643,250 to be financed by the sale of 30 year revenue bonds and customer connection fees.

Applicant states that it has made arrangements for the sale of the bonds and the procurement of customer fees.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–3861; Filed, Apr. 20, 1964; 8:46 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

### Announcement of ITAC Actions and Restraint Levels

APRIL 16, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long Term Arrangment Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. *Bilateral agreements.* On April 2, 1964, the Interagency Textile Administrative Committee announced that the United States had agreed to certain amendments to the bilateral cotton agreement with Spain concluded on July 16, 1963 (TIAS 5427). Under these amendments several new levels of restraint have been established and other existing levels have been revised as follows:

| Category | *Level of restraint for the 12-month period October 1, 1963–September 30, 1964* |
|---|---|
| 18–19 | 4,257,000 square yards |
| 22 | 2,100,000 square yards |
| 24 | 800,000 square yards |
| 25 | 350,000 square yards |
| 26 (Duck fabric only) | 750,000 square yards |
| 26 (Bark cloth only) | 555,000 square yards |
| 27 | 350,000 square yards |
| 53 | 9,000 dozen |
| 63 | 23,000 pounds |

*Cotton textiles and cotton textile products in Categories 18–19, 22, 24, 25, 26, and 27 are subject to a group ceiling of 7,604,314 square yards. The aggregate ceiling of 31,366,919 for cotton textiles and cotton textile products produced or manufactured in Spain and all other provisions of the 1963 bilateral cotton agreement remain unchanged.

Consultations are currently being held with representatives of the Government continuing with the Governments of of Korea. Separate consultations are India and Pakistan. Similar consultations are planned with the Governments of Greece and Yugoslavia.

2. *Completed restraint actions.* Discussions have been completed with the Government of Argentina relating to Category 1, which will be restrained for a period of twelve months beginning September 3, 1963, to a level of 400,000 pounds.

3. *Renewal of restraint actions.* In view of the continuing disruption of the domestic cotton textile market, the United States Government has renewed the following restraints for an additional twelve-month period:

| Country | Category | Restraint level | Effective date of restraint |
|---|---|---|---|
| | | *Pounds* | |
| Greece | 2 | 105,000 | Mar. 27, 1964. |
| Do | 4 | 52,500 | Mar. 27, 1964. |

4. *Pending restraints.* Consultations are in progress with several foreign governments concerning United States requests for restraints in certain categories. Under Article 3 of the Long Term Arrangement, if no agreement is reached at the end of a sixty-day period of consultation, the importing country may decline to accept cotton textiles in the particular categories in excess of the requested level of restraint.

The particular countries and categories involved are as follows:

| *County* | *Category* |
|---|---|
| Argentina | 9 |
| Trinidad and Tobago | 26 and 61 |
| Brazil | 9 |

JAMES S. LOVE, JR.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64–3905; Filed, Apr. 20, 1964; 8:52 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## FROZEN CONCENTRATE FOR ARTIFICIALLY SWEETENED LEMONADE

### Notice of Issuance of Temporary Permit to Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill, and Libby, Chicago, Illinois, to cover interstate marketing tests of frozen concentrate for artificially sweetened lemonade deviating from the requirements of the standard of identity for frozen concentrate for

lemonade (21 CFR 27.101), in that the nonnutritive sweeteners (calcium cyclamate and saccharin), a thickener (methylcellulose), and a dispersing agent (brominated vegetable oil), will replace the nutritive sweeteners specified in § 27.101. The product is to be named "Frozen concentrate for artificially sweetened lemonade," and this name and the names of the ingredients are to be prominently and conspicuously displayed on the label. The letters in the words "artificially sweetened" are to be of the same style and size as the letters in the word "lemonade."

This permit expires March 15, 1965.

Dated: April 14, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-3880; Filed, Apr. 20, 1964; 8:48 a.m.]

# INTERNATIONAL JOINT COMMISSION

## LAKE ERIE

### Construction of Ice Boom

APRIL 15, 1964.

Notice is hereby given that on 1 April 1964 the International Joint Commission received an application by the Hydro-Electric Power Commission of Ontario and the Power Authority of the State of New York pursuant to Article III of the Boundary Waters Treaty, for approval of the construction and maintenance of a boom in Lake Erie just upstream from the entrance to the Niagara River. The purpose of this boom, as stated in the application, is to assist the formation of an ice cover on Lake Erie and to reduce movement of ice from the Lake to the River. It is proposed that the boom be approximately two miles in length consisting of anchored floating timbers extending from the Canadian shore to the north end of the Old Breakwater on the United States side. The boom would be removed at the end of the winter.

Notice is also given that the International Joint Commission, pursuant to its rules of procedure, will conduct a public hearing on this matter at Buffalo, New York, in Hearing Room, Part IV (First Floor), State Office Building, 65 Court Street, Niagara Square, on 4 May 1964, beginning at 10:00 a.m., local time.

At the hearing, all interested persons will be given opportunity to present their views regarding the proposed ice boom. Oral statements will be heard, but for accuracy of the record all important facts and arguments should be submitted in writing. Written submissions may be filed with the Secretaries, either before or at the hearing. Fifty copies should be provided.

Copies of the application and drawings pertaining to the proposed ice boom are available for inspection at the offices of the Commission in Washington and Ottawa and at the following places:

UNITED STATES

Office of the Commissioner of Public Works,
City Hall,
Buffalo, N.Y.
Office of the District Engineer,
U.S. Army Engineer District, Buffalo,
Foot of Bridge St.,
Buffalo, N.Y.
Office of the City Clerk,
Tonawanda, N.Y.
Office of the City Clerk,
Niagara Falls, N.Y.
William A Bullard,
Secretary, United States Section,
International Joint Commission,
1711 New York Ave., NW.,
Room B208,
Washington, D.C., 20440.

CANADA

Fort Erie Public Library,
Fort Erie, Ontario.
Niagara Falls Public Library,
Niagara Falls, Ontario.
Office of the Town Clerk,
Fort Erie, Ontario.
Office of the City Clerk,
Niagara Falls, Ontario.
Water Resources Branch,
Department of Northern Affairs and National Resources,
Toronto Power Building,
Niagara Falls, Ontario.
D. G. Chance,
Secretary, Canadian Section,
International Joint Commission,
Third Floor, Fuller Building,
75 Albert St.,
Ottawa 4, Ontario.

WILLIAM A. BULLARD,
*Secretary, U.S. Section, International Joint Commission.*

APRIL 15, 1964.

[F.R. Doc. 64-3879; Filed, Apr. 20, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4202]

## AMERICAN ELECTRIC POWER COMPANY, INC., AND KINGSPORT POWER CO.

### Notice of Proposed Capital Contribution and Renewal of Short-Term Notes to Banks

APRIL 15, 1964.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 8, New York, a registered holding company, and its public-utility subsidiary company, Kingsport Power Company ("Kingsport", 40 Franklin Road, Roanoke, Virginia, formerly Kingsport Utilities Incorporated), have filed a joint declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12 of the Act and Rules 45 and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a cash capital contribution to Kingsport in an aggregate amount not to exceed $800,000. Such capital contribution will be credited by Kingsport to its Other Paid-In Capital account.

Kingsport proposes, from time to time prior to July 1, 1965, to renew its short-term promissory note indebtedness now outstanding with Manufacturers Hanover Trust Company and Morgan Guaranty Trust Company of New York in the aggregate principal amount of $1,600,000. The presently outstanding notes were issued for renewal purposes pursuant to Commission authorization by order dated March 1, 1963 (Holding Company Act Release No. 14815). Each new renewal note will be dated as of the date of the renewal, will be due not more than 270 days after the date of issuance, will bear interest at the prime rate (currently 4½ percent) in effect on the respective dates of issuance, and will be prepayable, in whole or in part, without premium. No such new note will be issued or renewed after July 1, 1965, without the further order of this Commission.

The filing states that Kingsport's construction program for 1964 and 1965 is estimated to cost approximately $1,800,000, of which $1,000,000 will be derived from internal sources and the remainder from the proposed $800,000 cash contribution of American. The filing further states that, in addition to the $1,600,000 short-term promissory notes referred to above, Kingsport now has outstanding $5,000,000 principal amount of 3½ percent promissory notes due July 1, 1965 payable to banks; and that, on or prior to July 1, 1965, it contemplates issuing long-term securities in an amount sufficient to refund all of its then outstanding short-term and long-term promissory notes aggregating $6,600,000. Any such financing program will be the subject of a future filing with this Commission and Kingsport agrees that in the event of any permanent financing the authorization requested in the instant filing, if granted, shall terminate and cease to be in effect.

Declarants state that no commission other than this Commission has jurisdiction over the proposed transactions; and that no fees or expenses are expected to be paid or incurred in connection therewith.

Notice is further given that any interested person may, not later than May 5, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request.

At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3867; Filed, Apr. 20, 1964; 8:47 a.m.]

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[File 7-2363—7-2369]

## DYMO INDUSTRIES, INC., ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 15, 1964.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

| | |
|---|---|
| Dymo Industries, Inc. | File 7-2363 |
| William H. Rorer, Inc. | File 7-2368 |
| Anelex Corporation | File 7-2369 |

Upon receipt of a request, on or before April 30, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3868; Filed, Apr. 20, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-X, Disaster 1]

## WICHITA FALLS, TEXAS; MANAGER, DISASTER FIELD OFFICE

### Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), 28 F.R. 3228, there is hereby redelegated to the Manager of Wichita Falls Disaster Field Office the following authority.

A. *Financial Assistance.*

1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
*Manager,*
*Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

*Effective date.* April 7, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc 64-3869; Filed, Apr. 20, 1964; 8:47 a.m.]

# CIVIL SERVICE COMMISSION

## DENTAL OFFICER

### Notice of Increase in Minimum Rates of Pay

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, the Civil Service Commission has increased the minimum salary rate and the rate range for positions of Dental Officer (Public Health-Pedodontia), GS-680-14. The revised rates for this occupational level are:

PER ANNUM RATES (in Dollars)

| Grade | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| GS-14 | 14,965 | 15,415 | 15,865 | 16,315 | 16,765 | 17,215 | 17,665 | 18,115 | 18,565 |

2. Geographic coverage is limited to the Washington, D.C., metropolitan area.

3. The effective date will be the first day of the first pay period beginning on or after April 15, 1964.

4. As of the effective date, all agencies will process a pay adjustment to increase the pay of current employees in the affected occupational class. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this letter on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-3892; Filed, Apr. 20, 1964; 8:50 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

## VOYAGE CHARTER RATE GUIDELINES

### Suspension

The Maritime Administration is presently undertaking a general and thorough overall review of guideline rates established and issued in 1957, and subsequent thereto, for the carriage of U.S. Government-sponsored commodities moving in full shipload lots in U.S.-flag vessels. All interested parties will be invited to participate, as appropriate, in that undertaking.

The Maritime Administration recently investigated complaints with regard to the inequity of the minus 20 percent rates as noncompensatory for certain commodities moving to some areas of the world and has found that such rate applications are, in fact, noncompensatory and should be adjusted.

Accordingly, the minus 20 percent guideline rates for bulk grain to Korea and Brazil and wheat flour to the United Arab Republic will be suspended five days from the date of publication of this notice, pending comments received during that time. The guideline rates established and issued in 1957, and subsequent thereto, to these areas will thereafter apply.

The Maritime Administrator will consider suspension of the application of the minus 20 percent guideline rates for other commodities to other areas after investigation of any future complaints and a finding that such relief is necessary.

The active suspension of the guideline rates as set forth above is being withheld for five days from the date of publi-

cation of this notice in order to give any interested parties the opportunity to protest this suspension or otherwise present their views.

Objections may be filed with the Secretary, Maritime Administration, Washington, D.C., 20235. The Maritime Administrator will give full consideration to any objections and take such action as in his discretion is deemed warranted.

Dated: April 17, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
*Secretary.*

[F.R. Doc. 64-3951; Filed, Apr. 20, 1964; 8:52 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38966; *Liquid caustic soda to points in Georgia and Florida.* Filed by O. W. South, Jr., agent (No. A4495), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., and Charleston, Tenn., to specified points in Florida and Georgia.

Grounds for relief: Market competition.

Tariffs: Supplements 125 and 168 to Southern Freight Association, agent, tariffs I.C.C. S-194 and S-116, respectively.

FSA No. 38967: *Substituted service—T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 53), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Dallas, Tex., and New Orleans, La., on traffic originating at or destined to such point or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to J. D. Hughett, agent, tariff MF-I.C.C. 375.

FSA No. 38968: *T.O.F.C. Service—From and to Greenwood, Miss.* Filed by Western Trunk Line Committee, agent (No. A-2357), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flat cars, between Greenwood, Miss., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Western Trunk Line Committee, agent, tariff I.C.C. A-4522.

FSA No. 38969: *Liquid caustic soda to Thomaston, Ga.* Filed by O. W. South, Jr., agent (No. A4497), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., and Saltville, Va., to Thomaston, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 125 and 75 to Southern Freight Association, agent, tariffs I.C.C. S-194 and S-207, respectively.

FSA No. 38970: *Phosphate rock to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4499), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), as described in the application, in carloads, subject to minimum of 300 net tons per shipment, from Florida producing points, to New Orleans, La.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 60 to Southern Freight Association, agent, tariff I.C.C. S-140.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-3878; Filed, Apr. 20, 1964; 8:48 a.m.]

# CUMULATIVE CODIFICATION GUIDE—APRIL

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.**

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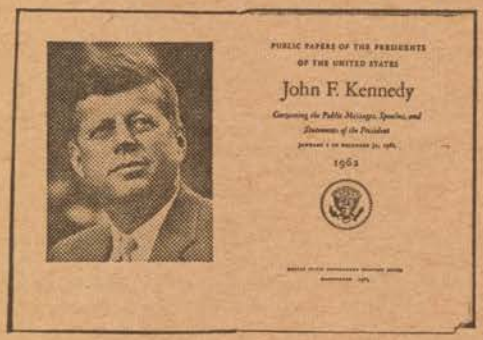


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